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सं० 19] नई दिल्ली, शनिवार, मई 9, 1987/वैशाख 19, 1909
No. 19] NEW DELHI, SATURDAY, MAY 9, 1987/VAISAKHA 19, 1909

इस भाग में भिन्न वृष्ट संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (II) PART II—Section 3—Sub-section (II)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications issued by the Ministries of the Government of India (other than
the Ministry of Defence)

विधि और न्याय मंत्रालय

(विधि कार्य विभाग)

नई दिल्ली, 24 अप्रैल, 1987

सूचना

का. आ. 1172.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में
सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री अशोक कुमार निगम,
एडवोकेट ने उक्त प्राधिकारी का उक्त नियम 4 के अधीन एक आवेदन
इस बात के लिए दिया है कि उसे शासी जिला में व्यवसाय करने के लिए
नोटरी के रूप में नियुक्त किया जाए।

2. उक्त व्यक्ति की नोटरी के रूप में नियुक्ति पर किसी भी प्रकार
का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप
में मेरे पास भेजा जाए।

[स. 5 (31)/87 न्या.]

MINISTRY OF LAW AND JUSTICE

(Department of Legal Affairs)

New Delhi, the 24th April, 1987

NOTICE

S.O. 1172.—Notice is hereby given by the Competent
Authority in pursuance of rule 6 of the Notaries, 1956, that
application has been made to the said Authority, under
rule 4 of the said Rules, by Shri Ashok Kumar Nigam,

Advocate for appointment as a Notary to practise in
Jhansi Distt.

2. Any objection to the appointment of the said person
as a Notary may be submitted in writing to the undersigned
within fourteen days of the publication of this Notice.

[No. F. 5(31)/87-Judl.]

का. आ. 1173.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में
सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्रीमती सरोज सोनी,
एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम के अधीन एक
आवेदन इस बात के लिए दिया है कि उसे रत्नाम में व्यवसाय करने के
लिए नोटरी के रूप में नियुक्त किया जाए।

2. उक्त व्यक्ति की नोटरी के रूप में नियुक्ति पर किसी भी प्रकार
का आक्षेप इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप
में मेरे पास भेजा जाए।

[स. 5 (32)/87 न्या.]

आर. एन. पोद्दार, सक्षम प्राधिकारी

S.O. 1173.—Notice is hereby given by the Competent
Authority in pursuance of rule 6 of the Notaries, 1956, that
application has been made to the said Authority, under
rule 4 of the said Rules, by Smt. Saroj Soni, Advocate for
appointment as a Notary to practise in Ratlam.

2. Any objection to the appointment of the said person
as a Notary may be submitted in writing to the undersigned
within fourteen days of the publication of this Notice.

[No. F. 5(32)/87-Judl.]

R. N. PODDAR, Competent Authority

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(पेंशन तथा पेंशनभोगी कल्याण विभाग)

नई दिल्ली, 23 अप्रैल, 1987

का.भा. 1174—राष्ट्रपति, संविधान के अनुच्छेद 148 के खण्ड (5) के साथ पठित अनुच्छेद 309 के परस्पर द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारतीय सेवापरीक्षा और लेखा विभाग में सेवारत व्यक्तियों के संबंध में निबंधक महालेखापरीक्षक से परामर्श करने के पश्चात् केन्द्रीय सिविल सेवा (पेंशन) नियम, 1972 का और संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात् :—

1. (1) इन नियमों का संक्षिप्त नाम केन्द्रीय सिविल सेवा (पेंशन) (पहला संशोधन) नियम, 1987 है।
- (2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।
2. केन्द्रीय सिविल सेवा (पेंशन) नियम, 1972 में,—
- (क) निमम 54 के उपनियम (14) के खण्ड (ख) के उपखण्ड (ii) में "तीसरी वर्ष" शब्दों के स्थान पर "सोम वर्ष" शब्द रखे जाएंगे।
- (ख) प्रसू 14 में, क्रम संख्यांक 9 के पश्चात् निम्नलिखित अन्तःस्थापित किया जाएगा, अर्थात् :—
- "10. उपरिष्ठित करें कि क्या किसी अन्य स्त्रोत सेना या राज्य सरकार और/या केन्द्रीय या किसी राज्य सरकार के अधीन पब्लिक सेक्टर उपक्रम/स्वायत्त निकाय/स्थानीय निधि से कुटुम्ब पेंशन अनुज्ञेय है"
- (ग) प्रसू 14 में, विद्यमान क्रम संख्यांक 10, 11 और 12 को क्रम संख्यांक 11, 12 और 13 के रूप में पुनः संख्यांकित किया जाएगा।

[सं. 1/2/86-पी. गेंड पी डब्ल्यू]

ए. के. पटनायक, उप सचिव

पाठ टिप्पण :— केन्द्रीय सिविल सेवा (पेंशन) नियम, 1972 का. भा. 934 तारीख 1-4-1972 के रूप में प्रकाशित किए गए थे। नियमों का तीसरा संस्करण दिसम्बर, 1981 तक संशोधित 1982 में मुद्रित किया गया था। नियमों का तत्पश्चात् पेंशन और प्रशासनिक सुधार विभाग पेंशन और पेंशनभोगी कल्याण विभाग की निम्नलिखित अधिसूचनाओं द्वारा संशोधन किया गया है :—

क्रम सं.	प्रसिद्धि सं.	तारीख
1. का.भा. 3477		10-9-1983
2. का.भा. 4041		1-12-1984
3. का.भा. 4218		8-12-1984
4. का.भा. 3324		20-7-1985
5. का.भा. 5192		16-11-1985
6. का.भा. 5304		30-11-1985
7. का.भा. 762		1-3-1986
8. का.भा. 1246		29-3-1986
9. का.भा. 2325		21-6-1986

MINISTRY OF PERSONNEL, P.G. AND PENSIONS

(Department of Pensions & Pensioners' Welfare)

New Delhi, the 23rd April, 1987

S.O. 1174.—In exercise of the powers conferred by proviso to article 309 read with clause (5) of the article 148 of the Constitution and after consultation with the Comptroller and Auditor General in relation to persons serving

in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Central Civil Services (Pension) Rules, 1972, namely:—

1. (1) These rules may be called the Central Civil Service (Pension) (First Amendment) Rules, 1987.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Central Civil Services (Pension) Rules, 1972.—
(a) in sub-clause (ii) of clause (b) of sub-rule (14) of rule 54, for the words "twenty four years", the word "thirty years" shall be substituted.

(b) I Form 14, after serial number 9, the following shall be inserted, namely :—

"10. Indicate whether family pension is admissible from any other source—Military or State Government and/or a public sector undertaking/autonomous body/local fund under the Central or a State Government."

(c) In Form 14, the existing serial numbers 10, 11 and 12 shall be renumbered as serial numbers 11, 12 and 13.

[No. 1/2/86-P&PW]

A. K. PATNAIK, Dy. Secy.

Foot Note.—The Central Civil Services (Pension) Rules, 1972 were published as S.O. 934 dated 1-4-72. The Third Edition (corrected upto December, 1981) of the rules was printed in 1982. The rules were subsequently amended vide DP & AR(& DP & PW) Notifications given below :

Sl. Notification No.	Date
1. S.O. 3477	10-9-1983
2. S.O. 4041	1-12-1984
3. S.O. 4281	8-12-1984
4. S.O. 3324	20-7-1985
5. S.O. 5192	16-11-1985
6. S.O. 5304	30-11-1985
7. S.O. 762	1-3-1986
8. S.O. 1246	29-3-1986
9. S.O. 2325	21-6-1986

(कार्मिक और पेंशन विभाग)

नई दिल्ली, 24 अप्रैल, 1987

आदेश

का.भा. 1175.—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारतीय और विदेशी क्रायकलाप (निवारण) अधिनियम, 1985 (1985 का 31) की धारा 3 की उपधारा (2) और (3), धारा 4 और धारा 13 की उपधारा (4) के अधीन दंडनीय अपराधों तथा उक्त अपराधों के संबंध में या उनसे संबंधित प्रयत्नों, गुप्तचरों और पड़ोसियों के और उन्हीं तथ्यों से उद्भूत उसी संभव्यता के क्रम में किए गए किसी अन्य अपराध के अन्वेषण के लिए जम्मू प्रदेश, बिहार, गुजरात, हरियाणा, हिमाचल प्रदेश, जम्मू, कश्मीर, कर्नाटक, केरल, मध्य प्रदेश, महाराष्ट्र, मणिपुर, मेघालय, उड़ीसा और राजस्थान की सरकारों की समिति से दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और अधिकारिता का विस्तार पूर्वोक्त राज्यों के सम्पूर्ण राज्य क्षेत्रों पर करती है।

[संख्या 228/21/85-ए.पी.डी. (II)]

(Department of Personnel and Training)

New Delhi, the 24th April, 1987

ORDER

S.O. 1175.—In exercise of the powers conferred by sub-section (1) of section 5, read with section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government with the consent of the Governments of Andhra Pradesh, Bihar, Gujarat, Haryana, Himachal Pradesh, Jammu and Kashmir, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Meghalaya, Orissa and Rajasthan hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the territories of the aforesaid States for the investigation of offences, punishable under sub-section (2) and (3) of section 3, section 4 and sub-section (4) of section 13 of the Terrorists and Disruptive Activities (Prevention) Act, 1985 (31 of 1985) and attempts, abetments and conspiracies in relation to or in connection with the said offences and any other offence committed in the course of the same transaction arising out of the same facts.

[No. 228/21/85-AVD.II]

का.प्र. 1176:—केन्द्रीय सरकार, दण्ड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री ए.बी. बेनगाल, अधिवक्ता, मुम्बई उच्च न्यायालय को, केन्द्रीय प्रत्यक्ष कर बोर्ड के अधिवक्ता जो श्री गोपीनाथ तिवारी और अन्य के विरुद्ध आर.सी. 5/ई/72-दिल्ली, (2) काली शंकर दुबे और अन्य के विरुद्ध आर.सी. 1/ई/74-दिल्ली, (3) श्री के. आर.एस. नारायणन के विरुद्ध आर.सी. 2/ई/74-दिल्ली, और (4) के. आर.एस. नारायणन और अन्य के विरुद्ध आर.सी. 3/ई/74-दिल्ली जो अपर मुख्य महानगर मजिस्ट्रेट 38वें न्यायालय मुम्बई के न्यायालय में विचारण के लिए लंबित हैं, के संचालन के लिए विशेष लोक अधिवक्ता नियुक्त करती है।

[सं. 225/2/87-ए.पी.डी.-2]

जॉ. सीतारामन, प्रवर सचिव

S.O. 1176.—In exercise of the powers conferred by sub-section (8) of section 24 of the Code of Criminal Procedure, 1973 (2 of 1974), the Central Government hereby appoints Shri A. B. Belgal, Advocate, Bombay High Court as a Special Public Prosecutor for conducting the prosecution of the Central Bureau of Investigation RCs. 5/E/72-Delhi against Shri Gopinath Tewari and another, (ii) RC. 1/E/74-Delhi against Shri Kalishankar Dube and another, (iii) RC. 2/E/74-Delhi against Shri K. R. S. Narayanan, and (iv) RC. 3/E/74-Delhi against Shri K.R.S. Narayanan and another pending trial in the Court of Additional Chief Metropolitan Magistrate 38th Court, Bombay.

[No. 225/2/87-AVD.II]

G. SITARAMAN, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 11 मार्च, 1987

आयकर

का.प्र. 1177:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उपखण्ड (iii) के अनुसरण में और भारत सरकार, राजस्व विभाग की दिनांक 14-10-85 की अधिसूचना संख्या 6453 (फा.सं. 398/29/84-आ.क. (ब) का अधिलेखन करते हुए, केन्द्रीय सरकार एतद्वारा उक्त अधिनियम के अन्तर्गत केन्द्रीय सरकार के राजस्व अधिकारी श्री बी.एन.पी. सिन्हा को कर वसूली अधिकारी शक्तियों का प्रयोग करने हेतु प्राधिकृत करती है।

2. यह अधिसूचना श्री बी.एन.पी. सिन्हा द्वारा कर वसूली अधिकारी के रूप में कार्यभार ग्रहण करने की तारीख 30-9-85 से लागू होगी।

[सं. 7177/फा.सं. 398/26/86-आ.क.(ब)]

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 11th March, 1987

INCOME-TAX

S.O. 1177.—In pursuance of sub-clause (iii) of clause (44) of Section 2 of the Income-tax Act, 1961 (43 of 1961), and in supersession of Notification of the Government of India in the Department of Revenue No. 6453 (F. No. 398/29/84-IT(B) dated the 14-10-85, the Central Government hereby authorises Shri B. N. P. Sinha, being a Gazetted Officer of the Central Government, to exercise the powers of a Tax Recovery Officer under the said Act.

2. This Notification shall be affective from 30-9-85 the date on which Shri B. N. P. Sinha took over charge as Tax Recovery Officer.

[No. 7177/F. No. 398/26/86-IT (B)]

आयकर

का.प्र. 1178:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 2 के खण्ड (44) के उपखण्ड (iii) के अनुसरण में, केन्द्रीय सरकार श्री शिशिर सिन्हा को, जो केन्द्रीय सरकार के राजस्व अधिकारी हैं, उक्त अधिनियम के अन्तर्गत दिनांक 2-9-1985 से 22-8-86 तक कर वसूली अधिकारी की शक्तियों का प्रयोग करने हेतु प्राधिकृत करती है।

[सं. 7179/फा.सं. 398/26/86-आ.क.(ब)]

बी.ई. प्रलेक्सेंडर, प्रवर सचिव

INCOME-TAX

S.O. 1178.—In pursuance of sub-clause (iii) of clause (44) of Section 2 of the Income Tax Act, 1961 (43 of 1961), the Central Government authorises ex-post-facto Shri Shishir Sinha being a Gazetted Officer of the Central Government to exercise the powers of a Tax Recovery Officer under the said Act, with effect from 2-9-85 to 22-8-86.

[No. F. 7179/F. No. 398/26/86-IT (B)]

B. E. ALEXANDER, Under Secy.

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 24 फरवरी, 1987

आयकर

का.प्र. 1179:—आयकर अधिनियम, 1961 (1961 का 43) की धारा 121 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड एतद्वारा अपनी दिनांक 23-3-1982 की अधिसूचना सं. 4533 (फा.सं. 187/36/81-आ.क.नि.-1) दिनांक 19-9-83 की अधिसूचना सं. 5407 (फा.सं. 187/12/83-आ.क. नि-1) तथा 29-12-1983 की अधिसूचना सं. 5554 (फा.सं. 187/12/83-आ.क.नि.-1) को रद्द करती है।

यह अधिसूचना 1-1-1987 से लागू होगी।

[सं. 7142/फा.सं. 187/1/87-आ.क.नि. (1)]

CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 24th February, 1987

INCOME-TAX

S.O. 1179.—In exercise of the powers conferred by sub-section (1) of Section 121 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby cancels its Notification No. 4533 (F. No. 187/36/81-ITA (1) dated

23-3-1982, Notification No. 5407 (F. No. 187/12/83-ITA-1) dated, 19-9-1983 and Notification No. 5554 (F. No. 187/12/83-ITA (1) dated, 29-12-1983.

This Notification shall take effect from 1-1-1987.

[No. 7142/F. No. 187/1/87-ITA (1)]

का.प्र. 1180.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 121 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय प्रत्यक्ष कर बोर्ड एतद्वारा दिनांक 17-4-1982 की समय-समय पर यथासंशोधित अपनी अधिसूचना सं. 4579 के साथ संलग्न अनुसूची में निम्नलिखित संशोधन करती है :

(1) आयकर आयुक्त (जांच), मद्रास के संबंध में क्रम सं. 21-छ के सामने सभी प्रविष्टियों को हटा दिया जायगा।

(2) क्रम संख्या 21, 21-क तथा 21-ड के सामने स्तम्भ 4 में निम्नलिखित प्रविष्टियां जोड़ी जायेंगी :

अनुसूची

क्रम सं.	आयकर आयुक्त	प्रधान कार्यालय	क्षेत्राधिकार
21. तमिलनाडु-1	मद्रास	5. विशेष जांच परिसर-1 से III मद्रास।	
21क. मद्रुरै	मद्रुरै	6. विभाज्य सर्वेक्षण परिसर-मद्रास	
		17. विशेष जांच परिसर-मद्रुरै	
		आयकर आयुक्त (जांच), मद्रास द्वारा अपनी दिनांक 10-5-85 की अधिसूचना सं. 308/85-सी. सं. 3(1)-स्था./85/जांच द्वारा दिनांक 1-6-85 में सूचित।	
21-छ कोयम्बटूर	कोयम्बटूर	20. विशेष जांच परिसर-कोयम्बटूर	

यह अधिसूचना 1-11-1987 से लागू होगी।

[सं. 7143/फा.सं. 187/1/87-आ.क.नि.-(1)]

रोशन सहय, धवर सचिव
केन्द्रीय प्रत्यक्ष कर बोर्ड

S.O. 1180.—In exercise of the powers conferred by sub-section (1) of Section 121 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following amendments to the Schedule to its Notification No. 4579 (F.No. 187/14/82-ITA-1) dated, 17-4-1982 as amended from time to time.

1. All entries against S.No. 21G relating to Commissioner of Income-tax (Investigation), Madras shall be deleted.

2. The following entries shall be added in Col. 4 against S.Nos. 21, 21E and 21F.

SCHEDULE

S. Commis- No. sioner of Income-tax	Headquar- ters	Jurisdiction
1	2	3
21 Tamil Nadu-I	Madras	5. Special I vestigation Circles I to III Madras. 6. Special Survey Circles, Madras.

1	2	3	4
21E	Madurai	Madurai	17. Special Investigation Circle, Madurai (created by the Commissioner of Income-tax (Inv.), Madras vide his notification No. 308/85 (C.No. 3 (1)-Est./85/INV dated 10-5-85 w.e.f. 1-6-85).
21F	Coimbatore	Coimbatore	20. Special Investigation Circle, Coimbatore.

This Notification shall take effect from 1-1-1987.]

[No. 7143/F. No. 187/1/87-ITA (1)]

ROSHAN SAHAY, Under Secy
Central Board of Direct Taxes.

नई दिल्ली, 2 मार्च, 1987

(आयकर)

का.प्र. 1181.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 121-क की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए दिनांक 31-12-86 की अधिसूचना सं. 6090 ता 2-3-87 की अधिसूचना सं. 7156 में आंशिक संशोधन करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड निदेश देता है कि नीचे दी गई अनुसूची के स्तम्भ (I) में विनिर्दिष्ट प्रभागों के आयकर आयुक्त (अपील) वर्तमान अधिकार क्षेत्रों के प्रतिरिक्त नीचे दी गई अनुसूची के स्तम्भ (4) में वर्णनी गई रेंजों इत्यादि के सम्बन्ध में भी अपना कार्य निर्वहण करेंगे :

अनुसूची

क्रम सं.	आयकर आयुक्त	प्रधान कार्यालय	क्षेत्राधिकार
1	2	3	4
1. आयकर आयुक्त, (अपील)-IX, नई दिल्ली	नई दिल्ली	(i) नि.स.प्र. (क.नि.) केन्द्रीय रेंज-V, नई दिल्ली	
		(ii) नि.स.प्र. (क.नि.) केन्द्रीय रेंज-VI, नई दिल्ली	
2. आयकर आयुक्त, (अपील)-VIII नई दिल्ली।	नई दिल्ली	(1) नि.स.प्र. (क.नि.) केन्द्रीय रेंज-IV नई दिल्ली	

यह अधिसूचना 1-1-1987 से लागू होगी।

[सं. 7157 (फा.सं. 261/8/87-आ.क.न्या.)]

New Delhi, the 2nd March, 1987

(INCOME-TAX)

S.O. 1181.—In exercise of the powers conferred by sub-section (1) of Section 121A of the Income-tax Act, 1961 (43 of 1961) and in partial modification of their notification Nos. 6090 dated 31-12-86 and 7156 dated 2-3-87, the Central Board of Direct Taxes directs that the Commissioner of Income-tax (Appeals) of the Charges specified in column No. (1) of the

Schedule below shall perform their functions, besides the existing jurisdiction, in respect of the Ranges etc. show in Column (4) of the Schedule below :

SCHEDULE

Sl. No.	Commissioner of Income-tax	Head-quarters	Jurisdiction
1	2	3	4
1.	Commissioner of Income-tax (Appeals)-IX, New Delhi	New Delhi	(i) Inspecting Asstt. Commissioner (Assessment) Control Range V, New Delhi. (ii) Inspecting Asstt. Commissioner (Assessment), Central Range-VI, New Delhi.
2.	Commissioner of Income-tax (Appeals)-VIII, New Delhi.	New Delhi	(i) Inspecting Asstt. Commissioner (Assessment), Central Range-IV, New Delhi.

This notification shall take effect from 1-1-1987.

[No. 7157- F. No. 261/6/87-IT-J]

सं. अ. 1182.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 121-क की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और पहले जारी की गई अधिसूचनाओं में आंशिक संशोधन करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड एतद्वारा निदेश देता है कि नीचे दी गई अनुसूची के स्तम्भ (1) में विनिर्दिष्ट अधिकार-क्षेत्र के आयकर आयुक्त (अपील) स्तम्भ (2) की तत्संबंधी प्रविष्टियों में विनिर्दिष्ट आयकर वाडों, परिमंडलों, जिलों और रेंजों में आयकर अथवा अतिकर या व्याजकर से निर्धारित ऐसे व्यक्तियों के बारे में अपना कार्य निर्वहण करेंगे, जो आयकर अधिनियम, 1961 की धारा 246 की उपधारा (2) के खण्ड (क) से (ज), कम्पनी (घास) अतिकर अधिनियम, 1964 (1964 का 7) की धारा 11 की उपधारा (1) तथा व्याज कर अधिनियम, 1974 (1974 का 45) की धारा 15 की उपधारा (1) में उल्लिखित किसी भी आदेश से व्यूथित हुए हैं और ऐसे व्यक्तियों या व्यक्तियों की श्रेणियों की बाबत भी कार्य निर्वहण करेंगे, जिनके लिए बोर्ड ने आयकर अधिनियम, 1961 की धारा 246 की उपधारा (2) के खण्ड (1) के उपबन्धों के अनुसार निदेश दिया है या सविषय में निदेश दे।

अनुसूची

अधिकार क्षेत्र तथा प्रधान कार्यालय	आयकर वाड/परिमंडल/जिले/रेंज
1	3
1. आयकर आयुक्त, (अपील) VIII नई दिल्ली	1. नि.स.आ. (क.मि.) केन्द्रीय रेंज, नई दिल्ली। 2. आयकर अधिकारी, केन्द्रीय परिमंडल-II केन्द्रीय परिमंडल-III केन्द्रीय परिमंडल-IV केन्द्रीय परिमंडल-VI

1	2	3
		केन्द्रीय परिमंडल-VII केन्द्रीय परिमंडल-XVI केन्द्रीय परिमंडल-XVII और नई केन्द्रीय परिमंडल-XXI नई दिल्ली।
2. आयकर आयुक्त (अपील) IX नई दिल्ली।	1. नि.स.आ. (क.नि.) केन्द्रीय रेंज-1, नई दिल्ली नि.स.आ. (क.नि.) केन्द्रीय रेंज-V नई दिल्ली नि.स.आ. (क.नि.) केन्द्रीय रेंज, VI नई दिल्ली	2. आयकर अधिकारी, केन्द्रीय रेंज-XI केन्द्रीय परिमंडल-XII केन्द्रीय परिमंडल-XIII केन्द्रीय परिमंडल-XIV केन्द्रीय परिमंडल-XV केन्द्रीय परिमंडल-XVIII केन्द्रीय परिमंडल-XIX केन्द्रीय परिमंडल-XX केन्द्रीय परिमंडल-XXV केन्द्रीय परिमंडल-XXVI, नई दिल्ली
3. आयकर आयुक्त, (अपील) IXIII, नई दिल्ली।	1. नि.स.आ. (क.नि.) केन्द्रीय रेंज-IV, नई दिल्ली 2. आयकर अधिकारी, केन्द्रीय रेंज-IX, नई दिल्ली। 3. नि.स.आ. (क.नि.) रेंज-XVII, नई दिल्ली 4. आयकर अधिकारी, टी.डी.एम. परिमंडल-I से V, नई दिल्ली 5. आयकर अधिकारी, ट्रस्ट परिमंडल-I से ट्रस्ट परिमंडल-VI, नई दिल्ली 6. नि.स.आ. रेंज-VI, X, नई दिल्ली। 7. आयकर अधिकारी, जी.एस.सी.-I से जी.एस.सी.-X, नई दिल्ली 8. आयकर अधिकारी, पी.एस.सी.-I से पी.एस.सी.-X, नई दिल्ली।	

यह अधिसूचना दिनांक 3-3-1987 से लागू होगी।

[सं. 7158 (फा.सं. 261/6/87, आ.क.न्या.)]

S.O. 1182.—In exercise of the powers conferred by sub-section (1) of Section 121A of the Income-tax Act, 1961 (43 of 1961) and in partial modification of the notifications issued earlier, the Central Board of Direct Taxes hereby directs that the Commissioner of Income-tax (Appeals) of the charges specified in column No. (1) of the Schedule below, shall perform their functions in respect of such persons assessed to Income tax or Sur-tax or Interest tax in the Income-tax Wards, Circles, Districts and Ranges specified in the corresponding entries in Column 2 thereof as are aggrieved by any of the orders mentioned in clauses (a) to (h)

of sub-section (2) of Section 246 of the Income-tax Act, 1961 in sub-section (1) of Section 11 of Companies (Profits) Sur-tax Act, 1964 (7 of 1964) and in sub-section (1) of Section 15 of the Interest tax Act, 1974 (45 of 1974) and also in respect of such persons or classes of persons as the Board has directed or may direct in future in accordance with the provisions of clause (1) of sub-section (2) of section 246 of the Income-tax, 1961.

SCHEDULE

Charges with Head Quarters	Income-tax Wards/Circles/Districts/Ranges.
1	2
1. Commissioner of Income-tax (Appeals) VIII, New Delhi.	1. IAC (Assessment) Central Range-II, New Delhi. 2. ITO, Central Circle-II, Central Circle-III, Central Circle-IV, Central Circle-VI, Central Circle-VII, Central Circle-XV, Central Circle-XVII, and Central Circle-XXI, New Delhi.
2. Commissioner of Income-tax (Appeals)-IX, New Delhi	1. IAC (Assessment) Central Range - I, New Delhi. IAC (Assessment) Central Range-V, New Delhi. IAC (Assessment) Central Range-VI, New Delhi. IAC (Assessment) Central Range-III, New Delhi. 2. ITO, Central Circle-XI Central Circle-XII Central Circle-XIII Central Circle-XIV Central Circle-XV Central Circle-XVIII Central Circle-XIX Central Circle-XX Central Circle-XXV and Central Circle-XXVI, New Delhi

1	2
3. Commissioner of Income-tax (Appeals)-XIII, New Delhi.	1. IAC (Assessment) Central Range-IV, New Delhi. 2. ITO, Central Circle-IX, New Delhi. 3. IAC (Assessment) Range-XVII, New Delhi. 4. ITO, TDS Circle-I to V, New Delhi. 5. ITO, Trust Circle-I to Trust Circle-V, New Delhi. 6. IAC, Range-VI-B, New Delhi. 7. ITO, G.S.C.I. to G.S.C. X, New Delhi 8. TO, P.S.C.I. to P.S.C.X., New Delhi

[No. 7158-F No 261/6/87 IT-J]

का. आ. 1183—आयकर अधिनियम, 1961 (1961 का 43) की धारा 121-क की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा दिनांक 31-12-1984 की अपनी अधिसूचना संख्या 6090 में आंशिक संशोधन करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड निदेश देता है कि नीचे दी गई अनुसूची के स्तम्भ (1) में विनिर्दिष्ट प्रमारों के आयकर आयुक्त (अपील), अपने वर्तमान अधिकार क्षेत्रों के प्रतिरिक्त नीचे दी गई अनुसूची के स्तम्भ (4) में विनिर्दिष्ट रेंजों के संबंध में भी कार्य निर्वहण करेंगे।

अनुसूची

क्र. सं.	आयकर आयुक्त,	प्रधान कार्यालय	क्षेत्राधिकार
1	2	3	4
1.	आयकर आयुक्त, (अपील) IX, नई दिल्ली।	नई दिल्ली	(i) नि. स. आ. (क. नि.) केन्द्रीय रेंज-I, नई दिल्ली (ii) नि. स. आ. (क. नि.) केन्द्रीय रेंज -III, नई दिल्ली।
2.	आयकर आयुक्त, (अपील), VIII, नई दिल्ली	नई दिल्ली	(i) नि. स. आ. (क. नि.) केन्द्रीय रेंज - II, नई दिल्ली।

यह अधिसूचना दिनांक 22-7-1986 में लागू होगी।

[सं. 7156(फा. सं. 261/6/87-आ.क.-न्या.)]

मुरेन्द्र पाल, अधिवक्ता सचिव, केन्द्रीय प्रत्यक्ष कर बोर्ड

S.O. 1183 -In exercise of the powers conferred by sub-section (1) of Section 121A of the Income-tax Act, 1961 (43 of 1961), and in partial modification of their notification No. 6090 dated 31-12-84, the Central Board of Direct Taxes directs that the Commissioner of Income-tax (Appeals) of the charges specified in column No. (1) of the Schedule below shall perform the functions in respect of the ranges mentioned in

col (4) of the Schedule below in addition to their existing jurisdiction.

SCHEDULE

Sl. No.	Commissioner of Income-tax	Head-quarter	Jurisdiction
1	2	3	4
1.	Commissioner of Income-tax (Appeals)-IX, New Delhi.	New Delhi	(i) Inspecting Asstt. Commissioner (Asstt.) Central Range-I, New Delhi. (ii) Inspecting Asstt. Commissioner (Asstt.) Central Range-III, New Delhi.
2.	Commissioner of Income-tax (Appeals)-VIII, New Delhi.	New Delhi	(i) Inspecting Asstt. Commissioner (Asstt.) Central Range, II, N. Delhi

This notification shall take effect from 22-7-86.

[No. 7156/F.No. 261/6/87-IT-J]
SURENDER PAL, Under Secy.
Central Board of Direct Taxes.

(व्यय विभाग)

नई दिल्ली, 27 अप्रैल, 1987

का.प्रा.1184:—प्रविण्य निधि अधिनियम, 1925 (1925 का 19) के खण्ड 8 के उपखण्ड (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा उक्त अधिनियम की अनुसूची में वैमानिक विकास एजेंसी, नई दिल्ली का नाम जोड़ती है।

[सं. 4(2)—संस्था-5/83]

(Department of Expenditure)

New Delhi, the 27th April, 1987

S.O. 1184.—In exercise of the powers conferred by sub-section (3) of the section 8 of the Provident Funds Act, 1925 (19 of 1925), the Central Government hereby adds to the Schedule to the said Act the name of the Aeronautical Development Agency, New Delhi.

[No. 4(2)-EV/83]

का.प्रा.1185:—प्रविण्य निधि अधिनियम, 1925 (1925 का 19) के खण्ड 8 के उपखण्ड (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार एतद्वारा निवेश देती है कि उक्त अधिनियम के उपबन्ध वैमानिक विभाग एजेंसी, नई दिल्ली के कर्मचारियों के लाभ के लिए संस्थापित प्रविण्य निधि पर लागू होंगे।

[का.प्रा.सं. 4(2)—संस्था-5/83-(2)]

के. रतन, निदेशक

S.O. 1185.—In exercise of the powers conferred by sub-section (2) of section 8 of the Provident Funds Act, 1925 (19 of 1925) the Central Government hereby directs that the provisions of the said Act shall apply to the Provident Fund established for the benefit of the employees of the Aeronautical Development Agency, New Delhi.

[O. M. No. 4(2)FV/83(II)]

K. RATAN, Director

नई दिल्ली, 28 अप्रैल, 1987

मा. प्रा. 1186:—सरकारी भवन (प्रतिष्ठित दफ्तर्दार की वेदखली) अधिनियम, 1971 (1971 का 40) के धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा निम्नलिखित सारणी के कॉलम (1) में उल्लिखित अधिकारी को सरकार का राजपत्रित अधिकारी होने के कारण उक्त अधिनियम के प्रयोजनों के लिए सम्पदा अधिकारी नियुक्त करती है जो उक्त सारणी के कॉलम 2 में विनिर्दिष्ट सरकारी भवनों के संबंध में अपने क्षेत्राधिकार की स्थानीय सीमाओं के अन्दर, उक्त अधिनियम द्वारा या उसके अन्तर्गत सम्पदा अधिकारियों को प्रदत्त शक्तियों का प्रयोग और उन्हें अधिरोपित कर्मियों का निष्पादन करना

सारणी

अधिकारी का पदनाम	सरकारी भवनों की श्रेणियों तथा क्षेत्राधिकार की स्थानीय सीमाएं
(1)	(2)
वरिष्ठ उप महालेखाकार (प्रशासन)	महालेखाकार (लेखा तथा हकदारी)
अथवा उप महालेखाकार (प्रशासन), त्रिवेन्द्रम के प्रशासनिक नियंत्रण	के अधीन के सरकारी भवन
महालेखाकार का कार्यालय (लेखा तथा हकदारी), केरल, त्रिवेन्द्रम	तथा उनके क्षेत्राधिकार की स्थानीय सीमाओं के भीतर

[फा सं. सी-11021/1/87-ई. जी-1]

डी. त्यागेश्वरन्, अवर सचिव

New Delhi, the 28th April, 1987

S.O. 1186.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officer mentioned in column (1) of the Table below, being Gazetted officer of Government to be estate officer for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on the estate officers, by or under the said Act, within the local limits of his jurisdiction in respect of the public premises specified in column (2) of the said Table.

TABLE

Designation of the officer	Categories of Public premises and local limits of jurisdiction
(1)	(2)
Senior Deputy Accountant General (Administration) or Deputy Accountant General (Administration), office of the Accountant General (Accounts and Entitlement), Kerala, Trivandrum.	Public premises under the administrative control of Accountant General (Accounts and Entitlement), Trivandrum, and within the local limits of his jurisdiction.

[F. No. C-11021/1/87-EG-I]

D. THYAGESWARAN, Under Secy.

भारतीय रिजर्व बैंक

(विदेशी मुद्रा नियंत्रण विभाग)

केन्द्रीय कार्यालय

बम्बई, 25 मार्च, 1987

का. आ. 1187 :—विदेशी मुद्रा विनियमन अधिनियम, 1973 (1973 का 46) की धारा 9 की उपधारा (1) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारतीय रिजर्व बैंक किसी भी भारतीय कंपनी को, विदेशी सहभागियों द्वारा ऐसी कंपनी में प्रतिनियुक्त किये जाने वाले विदेशी तकनीकी विशेषज्ञों/तकनीशनों के यात्रा-भरत और स्थानीय निर्वाह व्यय आदि को भारतीय रुपये में अदा करने की सहय प्रदान करता है। अतः,

- (क) विदेशी तकनीकी विशेषज्ञों/तकनीशनों को नियुक्त या प्रतिनियुक्त के लिए भारत सरकार से अनुमति ले ली गयी हो ;
- (ख) विदेशी तकनीकी विशेषज्ञ/तकनीशनों भारत में उड़ने के व्यय में अदा की गयी राशि में से कितनी भी मध्य प्रेषण सुविधा का लाभ उठाना नहीं चाहते हों ; और
- (ग) जहाँ पर विदेशी तकनीकी विशेषज्ञों/तकनीशनों के आने-जाने के भरावे की लागत का संबंधित भारतीय कंपनी द्वारा वहन किया जा रहा हो, वहाँ भारतीय वायुयान से ही यात्रा का जाए।

(सं. एक. ई. आर. ए. 68/87-आरबी)

(ह/अपठनीय)

कार्यवाहक निदेशक

RESERVE BANK OF INDIA

(Exchange Control Department)

CENTRAL OFFICE

Bombay the 25th March, 1987

S.O. 1187.—In pursuance of the powers conferred by Clause (D) of Sub-Section (1) of Section 9 of the Foreign Exchange Regulation Act, 1973 (46 of 1973), the Reserve Bank is pleased to permit any Indian company to pay in Indian rupees passage fare and local living expenses etc. of foreign technical experts/technicians deputed to such company by foreign collaborators;

Provided that,

- (a) permission from the Government of India has been obtained for engagement or deputation of foreign technical experts/technicians;
- (b) the foreign technical experts/technicians do not seek at any time remittance facility from India, out of any moneys paid to them in rupees in India; and
- (c) where the cost of to and fro passages of the foreign technical experts/technicians is to be borne by the concerned Indian company, the travel should be undertaken on an Indian carrier.

(No. Para 68/87-RB)

Sd/-

(Illegible)

Executive Director

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 10 अप्रैल, 1987

का. आ. 1188 :—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा (3) की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा भारत सरकार, वित्त मंत्रालय

(आर्थिक कार्य विभाग) (बैंकिंग प्रभाग का. आ. 216 (ई) [सं. ए. (20)/81-प्रार. आर. बी. (1)] दिनांक 30 मार्च, 1982 की अधिसूचना में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में "टुमकूर और बंगलूर (ग्रामीण) के जिलों" शब्दों के स्थान पर "टुमकूर, बंगलूर और बंगलूर (ग्रामीण) के जिलों" शब्द रखे जाएंगे।

(सं. एक-1-14/86-प्रार. आर. बी.)

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 10th April, 1987

S.O. 1188.—In exercise of the powers conferred by sub-section (1) of Section (3) of the Regional Rural Bank's Act 1976 (21 of 1976) the Central Government hereby makes the following amendment in the Notification of the Government of India in the Ministry of Finance (Department of Economic Affairs) Banking Division S.O. 216(E) [No. F. 1(20)/81-RRB (1)] dated the 30th March, 1982, namely :—

In the said Notification for the words "districts of Tumkur and Bangalore (Rural)" the words "districts of Tumkur, Bangalore and Bangalore (Rural)" shall be substituted.

(No. F. 1—14/86-RRB)

का. आ. 1189 :—प्रादेशिक ग्रामीण बैंक अधिनियम, 1976 (1976 का 21) की धारा (3) की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा भारत सरकार, आर्थिक कार्य विभाग (बैंकिंग प्रभाग) का. आ. 114 (ई) [सं. एक 1-22/79-प्रार. आर. बी. (1)] दिनांक 26 फरवरी, 1980 की अधिसूचना में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में "कानपुर जिले" शब्दों के स्थान पर "कानपुर नगर और कानपुर देहात के जिले" शब्द रखे जाएंगे।

(सं. एक. 1-11/86-प्रार. आर. बी.)

प्रवीण कुमार तेजयान, प्रवर सचिव

S.O. 1189.—In exercise of the powers conferred by sub-section (1) of Section (3) of the Regional Rural Banks Act 1976 (21 of 1976) the Central Government hereby makes the following amendment in the notification of the Government of India in the Department of Economic Affairs (Banking Division) S.O. 114(E) (No. F. 1-22/79-RRB (1) dated the 26th February, 1980 namely :—

In the said notification for the words "district of Kanpur" the words "districts of Kanpur Nagar and Kanpur Dehat" shall be substituted.

(No. F-11/86-RRB)

P. K. TEJYAN. Under Secy.

नई दिल्ली, 16 अप्रैल, 1987

का. आ. 1190 :—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) योजना, 1980 की धारा 3 की उपधारा (छ) के अनुसरण में केन्द्रीय सरकार श्री एस.एस. रानाडे, संयुक्त मुख्य प्रबंधक, प्रशासन विभाग, भारतीय रिजर्व बैंक, केन्द्रीय कार्यालय, बम्बई को श्री पी. कृष्णमूर्ति के स्थान पर एतद्वारा न्यू बैंक ऑफ इंडिया के निदेशक के रूप में नियुक्त करती है।

(संख्या एक 9/4/87-बी. प्रो.-1)

एस.एस. हसूरकर, निदेशक

New Delhi, the 16th April, 1987

S.O. 1190.—In pursuance of sub-clause (g) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980, the Central Government hereby

appoints Shri S. S. Ranade, Joint Chief Manager, Department of Administration, Reserve Bank of India, Central Office, Bombay as a Director of New Bank of India vide Shri P. Krishnamurthy.

[No. F. 9/4/87-B.O. I]
S. S. HASURKAR, Director

नई दिल्ली, 22 अप्रैल, 1987

का. आ. 1191 :—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970 की धारा 9 की उपधारा (2) के साथ पठित धारा 3 की उपधारा (ख) (1) के अनुसरण में केन्द्रीय सरकार एतद्वारा श्री सी. ए. पाठक, विशेष सहायक, देना बैंक, रोपुरा शाखा, बड़ौदरा को दिनांक 22 अप्रैल, 1987 से 21 अप्रैल, 1990 तक देना बैंक के निदेशक मंडल में निदेशक के रूप में नियुक्त करती है।

[सं. एफ. 15/5/82 - आई. आर.]
सतपाल भाटिया, अवर सचिव

New Delhi, the 22nd April, 1987

S.O. 1191.—In pursuance of sub-clause (b)(i) of clause 3, read with sub-clause (2) of clause 9, of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970 the Central Government hereby appoints Shri C. A. Pathak, Special Assistant, Dena Bank, Raopura Branch, Vadodra as a Director on the Board of Directors of Dena Bank with effect from 22nd April, 1987 to 21st April, 1990.

[No. F. 15/5/82-IR]
S. P. BHATIA, Under Secy.

उद्योग मंत्रालय

(कम्पनी कार्य विभाग)

नई दिल्ली, 16 अप्रैल, 1987

शुद्धि-पत्र

का.आ. 1192 :—इस विभाग की राजपत्र में प्रकाशित अधिसूचना सं. 16/12/86-एम-3 दिनांक 2-4 1987 के परिशिष्ट में क्रम सं. 4 के विरुद्ध विद्यमान प्रविष्टियों को हटाया जाए और विद्यमान क्र. सं. 5 को पुनः "4" के रूप में संशोधित किया जाए।

[सं. 16/12/86-एम.-3]
एल.सी. गोयल, अवर सचिव

MINISTRY OF INDUSTRY

(Department of Company Affairs)

New Delhi, the 16th April, 1987

CORRIGENDUM

S.O. 1192.—The existing entries against S. No. 4 in the annexure to this Department's Gazette Notification No. 16/12/86-M.III dated 2-4-1987 may be deleted and the existing S. No. 5 may be re-numbered as "4".

[No. 16/12/86-M.III]
L. C. GOYAL, Under Secy.

(रसायन और पेट्रोसायन विभाग)

नई दिल्ली, 6 अप्रैल, 1987

का.आ. 1193.—पेट्रोलियम एवं खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 2 के खण्ड (अ) के अनुसरण में केन्द्रीय सरकार नीचे दी गई अनुसूची के कालम 1 में उल्लिखित प्राधिकारी को उक्त अनुसूची के 124 GI/87—2.

कालम (3) की तदनुसूची प्रविष्टि में उल्लिखित क्षेत्रों की सीमाओं के भीतर उक्त अधिनियम के अन्तर्गत सक्षम प्राधिकारी के कार्य करने के लिए एतद्वारा प्राधिकृत करती है।

अनुसूची

व्यक्ति का नाम	पता	क्षेत्रीय सीमा
(1)	(2)	(3)
श्री बाई.बी. पराडकर	इंडियन पेट्रोकेमिकल्स कॉर्पोरेशन लि., महाराष्ट्र महाराष्ट्र गैस क्रैकर कॉम्प्लेक्स डिवीजन, राउर	
श्री बी.डी. देशपांडे	जूहू विलपार्ले डवलपमेंट स्कीम, कमर्शियल कॉम्प्लेक्स, यूनिट नं. 1, ब्लाक बी, गुलमोहर क्रॉस रोड नं. 9, विलपार्ले (पश्चिम), बम्बई-400049।	

[सं. 34027/1/87-पी सी iii]

एस.के. गुप्ता, डेस्क अधिकारी

(Department of Chemicals & Petrochemicals)

New Delhi, the 6th April, 1987

S.O. 1193.—In pursuance of Clause (a) of Section 2 of the Petroleum & Minerals Pipelines (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962), the Central Government hereby authorises the authority mentioned in Column (1) of the Schedule below to perform the function of the Competent Authority under the said Act, within the areas mentioned in the corresponding entry in the Column (3) of the said Schedule.

SCHEDULE

Name of Person	Address	Territorial Jurisdiction
(1)	(2)	(3)
Shri Y.B. Paradkar	Indian Petrochemicals Corporation Limited, Maharashtra Gas Cracking Complex Division, Juhu-Ville-parle Development Scheme, Commercial Complex, Unit No. 1, Block B, Gulmohar Cross Road No. 9, Ville Parle (West), Bombay-400 049.	State of Maharashtra
Shri V.D. Deshpande		

[No. 34027/1/87-PC. III]
S.K. GUPTA, Desk Officer

नई दिल्ली, 21 अप्रैल, 1987

का. प्रा. 1194—सार्वजनिक परिसर (अनधिकृत वसूलकारों की बेदखली अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा भारत सरकार, रसायन और उर्वरक विभाग की अधिसूचना सं. का. प्रा. 1172 दिनांक 26-4-1980 का अधिक्रमण करते हुए, सिवाय उन बातों के जो ऐसे अधिक्रमण से पहले की गई हैं या करने का लोप किया गया है, केन्द्रीय सरकार एतद्वारा नीचे दी गई तालिका के कालम (1) में उल्लिखित अधिकारियों को जो सरकार के राजपत्रित अधिकारियों के समकक्ष स्तर के अधिकारी हैं, उक्त अधिनियम के प्रयोगों के लिए संघीय अधिकारी नियुक्त करती है जो उक्त तालिका के कालम (2) में निविष्ट सार्वजनिक परिसरों के संबंध में अपने अधिकार क्षेत्र की स्थानीय सीमाओं के अन्तर्गत उक्त अधिनियम द्वारा या के अंतर्गत संघीय अधिकारियों को प्रदत्त शक्तियों का प्रयोग और सौंपे गए कर्तव्यों का पालन करेंगे।

तालिका

अधिकारी	सार्वजनिक परिसरों की श्रेणियाँ और अधिकार क्षेत्र की स्थानीय सीमाएं
(1)	(2)
1. रखरखाव प्रबन्धक, हिन्दुस्तान एण्टिबायोटिक्स लि., पिम्परी, पुणे।	
2. उप-रखरखाव प्रबन्धक, हिन्दुस्तान एण्टिबायोटिक्स लि., पिम्परी, पुणे।	उनके अपने-अपने अधिकार क्षेत्र की स्थानीय सीमाओं के अन्तर्गत स्थित हिन्दुस्तान एण्टिबायोटिक्स लि., पिम्परी और पुणे के प्रशासनिक नियंत्रणाधीन परिसर।
3. उपपरियोजना प्रबन्धक (सिविल) हिन्दुस्तान एण्टिबायोटिक्स लि., पिम्परी, पुणे।	
4. वरिष्ठ अधियन्ता (सिविल) हिन्दुस्तान एण्टिबायोटिक्स लि., पिम्परी, पुणे।	
5. उप प्रबन्धक, हिन्दुस्तान एण्टिबायोटिक्स लि., पिम्परी, पुणे।	
6. सहायक प्रबन्धक (सिविल) हिन्दुस्तान एण्टिबायोटिक्स लि., पिम्परी, पुणे।	
7. वरिष्ठ अधियन्ता (सिविल) हिन्दुस्तान एण्टिबायोटिक्स लि., पिम्परी, पुणे।	
8. अधियन्ता (सिविल) हिन्दुस्तान एण्टिबायोटिक्स लि., पिम्परी, पुणे।	

[सं. 15 (9)/87 - पी. प्राई. 5]
जयश्री वातल, अवर सचिव

New Delhi, the 21st April, 1987

S.O. 1194.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), and in supersession of Government of India in the Department of Chemicals and Fertilisers Notification No. S.O. 1172 dated 26th April, 1980, except as respects things done

or omitted to be done before such supersession, the Central Government hereby appoints the officers mentioned in column (1) of the Table below, being officers equivalent to the rank of gazetted officers of Government, to estate officers for the purposes of the said Act, and shall be exercise the powers conferred and perform the duties imposed on estate officers by or under the said Act within the local limits of their jurisdiction in respect of the public premises specified in column (2) of the said Table.

TABLE

Officers	Categories of public premises and local limits of jurisdiction
(1)	(2)
1. Maintenance Manager, Hindustan Antibiotics Limited, Pimpri, Pune.	Premises under the administrative control of the Hindustan Antibiotics Limited, Pimpri and Pune, situated within the local limits of their respective jurisdiction.
2. Deputy Maintenance Manager, Hindustan Antibiotics, Limited, Pimpri, Pune.	
3. Deputy Manager Projects (Civil), Hindustan Antibiotics Limited, Pimpri, Pune.	
4. Senior Engineer (Civil), Hindustan Antibiotics Limited, Pimpri, Pune.	
5. Deputy Manager, Hindustan Antibiotics Limited, Pimpri, Pune.	
6. Assistant Manager (Civil), Hindustan Antibiotics Limited, Pimpri, Pune.	
7. Senior Engineer (Civil), Hindustan Antibiotics Limited, Pimpri, Pune.	
8. Engineer (Civil), Hindustan Antibiotics Limited, Pimpri, Pune.	

[No. 15(9)/87-PI (V)]

JAYSHREE WATAL, Under Secy.

राष्ट्र और नागरिक सुरक्षा मंत्रालय
(नागरिक पुनि विभाग)

नई दिल्ली, 23 अप्रैल, 1987

का. प्रा. 1195.—केन्द्र सरकार, अग्रिम संविदा (विनियम) अधिनियम, 1952 (1952 का 74) की धारा 5 के अधीन सुरक्षित नगर स्थित आयुक्त और आयुक्तों के अधीनस्थ लि., सुरक्षित नगर द्वारा

मान्यता के नवीकरण के लिए किये गये आवेदन पर वायदा बाजार आयोग के परामर्श से विचार करके और यह समाधान हो जाने पर कि ऐसा करता व्यापार के हित में और लोकहित में भी होगा, एतद्वारा उक्त अधिनियम की धारा 6 के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त एसोसिएशन को कपास में अग्रिम संशोधनों के बारे में 23 मई, 1987 से 22 मई, 1989 (दोनों दिन शामिल हैं) तक दो वर्षों के लिए मान्यता प्रदान करती है।

2. एतद्वारा प्रदत्त मान्यता इस शर्त के अधीन है कि उक्त एसोसिएशन ऐसे निदेशों का पालन करेगा जो वायदा बाजार आयोग द्वारा समय-समय पर दिये जाएंगे।

[मिसिल सं. 12/1/आई.टी./87]

पी.एन. कौल, आर्थिक सलाहकार

MINISTRY OF FOOD AND CIVIL SUPPLIES

(Department of Civil Supplies)

New Delhi, the 23rd April, 1987

S.O. 1195.—The Central Government, having considered in consultation with the Forward Markets Commission, the application for renewal of recognition made under section 5 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952), by the Surendranagar Cotton Oil and Oilseeds Association Ltd., Surendranagar, and being satisfied that it would be in the interest of the trade and also in the public interest so to do, hereby grants, in exercise of the powers conferred by section 6 of the said Act, recognition to the said Association for a further period of two years from the 23rd May, 1987 to the 22nd May, 1989 (both days inclusive), in respect of forward contracts in cotton.

2. The recognition hereby granted is subject to the condition that the said Association shall comply with such directions as may, from time to time, be given by the Forward Markets Commission.

[File No. 12/1/IT/87]

P. N. KAUL, Economic Adviser

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 20 अप्रैल, 1987

का.आ. 1196.—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ.सं. 3852 तारीख 29-10-86 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अर्पण आशय घोषित कर दिया था।

और यतः सख्त प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और ध्याते, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनियम किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और ध्याते उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तब और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

एस.एन.सी.आर. से एस.एस.सी.टी. एक. तक पाइपलाइने बिछाने के लिए

राज्य . गुजरात	जिला . मेहसाणा	तालुका . मेहसाणा		
गांव	सर्वे .	हेक्टेयर	आर.	सेंटीयर
बलोल	1757	0	12	60
	1760	0	07	68
	1652	0	07	20
	1762	0	01	32

[सं. O-12016/186/86-ओ-एन जी-डी-4]

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 20th April, 1987

S.O. 1196.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 3852 dated 29-10-86 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from ROU from SNCR to S.S.C.T.F.

State : Gujarat District : Mehsana Taluka : Mehsana

Village	Survey No.	Hect.	Are	Centi-are
Balol	1757	0	12	60
	1760	0	07	68
	1652	0	07	20
	1762	0	01	32

[No. O-12016/186/86-ONG-D-4]

का.आ. 1197.—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ.सं. 3923 तारीख 7-11-86 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

दहेज से पालेज तक पाइप लाइन बिछाने के लिए

राज्य : गुजरात जिला : मड़ौच तालुका : वागर

गांव	सर्वे	हेक्टेयर	आर.	सेंटीयर
अटाली	209	0	14	00
	212/ए	0	43	00
	213	0	12	00
	214	0	00	32
	216	0	10	00
	217	0	30	00
	218	0	02	00
	219	0	25	00
	227	0	03	00
	281	0	07	00

[सं. O-12016/194/86-ओ एन जी-डी 4]

S.O. 1197.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 3923 dated 7-11-86 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline ;

And further in exercise of power conferred by sub-section (4) of the section the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from DAHEJ to DALEJ Line.

State : Gujaat District : Bharuch Taluka : Wagra

Village	Survey No.	Hect	Are	Centi-are
Atali	209	0	14	00
	212/A	0	43	00
	213	0	12	00
	214	0	00	32
	216	0	10	00
	217	0	30	00
	218	0	02	00
	219	0	25	00
	227	0	03	00
	218	0	07	00

[No. O-12016/194/86-ONG-D-4]

का.आ. 1198.—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ.सं. 4262 तारीख 15-12-86 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइन को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय तेल और प्राकृतिक गैस आयोग में, सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

वहेज से पालेज तक पाइप लाइन बिछाने के लिये

राज्य : गुजरात

जिला : भड़ौच

तालुका : वागरा

गांव	ब्लाक नं.	हेक्टेयर	आर	सेंटीयर
1	2	3	4	5
वचनाव	99/पी	0	13	00
	95	0	38	00
	97	0	19	00
	96	0	36	00
	213	0	19	00
	106	0	03	00
	81	0	44	00
	84	0	01	00
	82	0	17	00
	80	0	15	00
	कार्ट ट्रैक	0	02	00
	74/बी	0	28	00
	74/ए	0	34	00
	कार्ट ट्रैक	0	02	00
	57/पी	0	14	00
	57/पी	0	04	00
	58	0	12	00
	55	0	14	00
	51	0	53	00
	कार्ट ट्रैक	0	02	00
	34/ए	0	08	00
	34/बी	0	25	00
	33/पी	0	33	00
	31	0	18	00
	30	0	27	00

[सं. O-12016/223/86-प्रो एन जी-डी 4]

पी.के. राजगोपालन, ई.स्क. अधिकारी

S.O. 1198.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. No. 4262 dated 15-12-86 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of Section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands specified in the schedule appended to this notification ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline ;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil and Natural Gas Commission free from encumbrances.

SCHEDULE

Pipeline from Dahej to Palej Line.

State : Gujarat District: Bharuch Taluka : Wagara

Village	Block No.	Hect. are	Are	Cent. are
1	2	3	4	5
Vachanad	99/P	0	13	00
	95	0	38	00
	97	0	19	00
	96	0	36	00
	213	0	19	00
	106	0	03	00
	81	0	44	00
	84	0	01	00
	82	0	17	00
	80	0	15	00
	Cart track	0	02	00
	74/B	0	28	00
	74/A	0	34	00
	Cart track	0	02	00
	57/P	0	14	00
	57/P	0	04	00
	58	0	12	00
	55	0	14	00
	51	0	53	00
	Cart track	0	02	00
	34/A	0	08	00
	34/B	0	26	00
	33/P	0	33	00
	31	0	18	00
	30	0	27	00

[No. O-12016/223/86--ONG-D-4]

P.K. RAJAGOPALAN, Desk Officer

ऊर्जा मंत्रालय

(कोयला विभाग)

नई दिल्ली, 24 अप्रैल, 1987

का.प्रा. 1199 :—केन्द्रीय सरकार ने, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) के अधीन जारी की गई, भारत सरकार के ऊर्जा मंत्रालय (कोयला विभाग) की अधिसूचना सं. का.प्रा. 1088 तारीख 27 फरवरी, 1986 द्वारा उस अधिसूचना से उपाबद्ध अनुसूची में विनिर्दिष्ट परिक्षेत्र में 1310.68 एकड़ (लगभग) या 530.40 हेक्टर (लगभग) भूमि में कोयले का पूर्वेक्षण करने के अपने आशय की सूचना दी थी :

और केन्द्रीय सरकार का यह समाधान हो गया है कि उक्त भूमि के भाग में कोयला अभिप्राप्य है;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इससे उपाबद्ध अनुसूची में वर्णित 683.10 एकड़ (लगभग) या 273.43 हेक्टर (लगभग) माप की भूमि का अर्जन करने के अपने आशय की सूचना देती है :

टिप्पण 1 : इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र के रेखांक सं. राजस्व 38/86 तारीख 22 सितम्बर, 1986 का निरीक्षण उपायुक्त, हजारीबाग (बिहार) के कार्यालय में या कोयला नियंत्रक-1, काउंसिल हाउस स्ट्रीट, कलकत्ता-1 के कार्यालय में अथवा सेंट्रल कोलफील्ड्स लि. (राजस्व अनुभाग) दरभंगा हाउस, रांची (बिहार) के कार्यालय में किया जा सकता है ।

टिप्पण 2 : कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 8 के उपबन्धों की ओर ध्यान आकृष्ट किया जाता है जिसमें निम्नलिखित उपबन्ध हैं :—

“8. (1) किसी ऐसी भूमि में, जिसकी बाबत धारा 7 के अधीन अधिसूचना जारी की गई है, हितबद्ध कोई भी व्यक्ति अधिसूचना जारी किये जाने के तीस दिन के भीतर सम्पूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उस पर के किन्हीं अधिकारों का अर्जन किये जाने के बारे में आक्षेप कर सकेगा।

स्पष्टीकरण—इस धारा के अन्तर्गत किसी व्यक्ति की ओर से यह कहना आक्षेप नहीं माना जायेगा कि वह स्वयं किसी भूमि में कोयला उत्पादन के लिए स्वयं संक्रियाएं केन्द्रीय सरकार या किसी अन्य व्यक्ति द्वारा नहीं की जानी चाहिये ।

(2) उपधारा (1) के अधीन प्रत्येक आक्षेप सक्षम प्राधिकारी को लिखित रूप में किया जायेगा और सक्षम प्राधिकारी आक्षेपकर्ता को स्वयं सुने जाने का या विधि व्यवसायी द्वारा सुनवाई का अवसर देगा और ऐसे सभी आक्षेपों को सुनने के पश्चात् और ऐसी अतिरिक्त जांच, यदि कोई है, जो वह आवश्यक समझे, करने के पश्चात् या तो धारा 7 की उपधारा (1) के अधीन अधिसूचित भूमि के या ऐसी भूमि में या उस पर के अधिकारों के संबंध में एक रिपोर्ट या ऐसी भूमि के विभिन्न टुकड़ों या ऐसी भूमि में या उस पर के अधिकारों के संबंध में आक्षेपों पर अपनी सिफारिशों और उसके द्वारा की गई कार्रवाई के अभिलेख सहित विभिन्न रिपोर्टें केन्द्रीय सरकार को उसके विनिश्चय के लिये देगा।

(3) इस धारा के प्रयोजनों के लिये वह व्यक्ति किसी भूमि में हितबद्ध समझा जायेगा जो प्रतिकर में हित का दावा करने का हकदार होता यदि भूमि या ऐसी भूमि में या उसपर के किन्हीं अधिकारों को इस अधिनियम के अधीन अर्जित कर लिया जाता।”

टिप्पण 3 : केन्द्रीय सरकार ने, कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता को अधिनियम के अधीन प्राधिकारी नियुक्त किया है ।

अनुसूची

पीपरवार विस्तार ब्लॉक II

उत्तर करनपुरा कोयला क्षेत्र

जिला हजारीबाग (बिहार)

(अर्जित की जाने वाली भूमि)

सभी अधिकार

ब्लॉक “क”

क्र.सं.	ग्राम	थाना	थाना सं.	जिला	क्षेत्र	टिप्पणियाँ
1.	किचटो	टांडवा	78/235	हजारीबाग	107.00	भाग
2.	बहेरा	टांडवा	79/236	हजारीबाग	308.70	भाग
3.	कनौडा	टांडवा	81/238	हजारीबाग	188.00	भाग
4.	राजधर	टांडवा	82/239	हजारीबाग	19.25	भाग
5.	कल्याणपुर	टांडवा	85/242	हजारीबाग	53.25	भाग

कुल क्षेत्र : 676.20 एकड़ (लगभग)

या 273.64 हेक्टर (लगभग)

किचटो ग्राम में अर्जित किये जाने वाले प्लॉट सं.

1(भाग), 2(भाग), 3, 4, 5(भाग), 31(भाग), 34(भाग), 35 से 50, 51(भाग), 52(भाग), 53, 54, 55, 56 (भाग), 57, 58, 59(भाग), 60(भाग), 73(भाग), 74(भाग), 75(भाग), 76(भाग), 92(भाग), 93(भाग), 94(भाग), 95, 96, 97, 98(भाग), 99, 100(भाग), 101(भाग), 103(भाग), 104(भाग), 124(भाग), 128(भाग), 129(भाग), 131 (भाग), 133(भाग), 134(भाग), 135, 136, 137(भाग), 138(भाग), 139(भाग), 141(भाग), 142(भाग), 143, 144 (भाग), 145(भाग), 148(भाग), 150, 151(भाग), 152(भाग), 153(भाग), 283(भाग), 291(भाग), 292(भाग), 293 (भाग), 294(भाग), 354(भाग), 355(भाग), 356(भाग), 361(भाग), 364(भाग), 377(भाग), 392(भाग), 538(भाग), 558(भाग), और 664

बहेरा ग्राम में अर्जित किये जाने वाले प्लॉट सं०

1(भाग), 24(भाग), 25(भाग), 26 से 35, 36(भाग), 62(भाग), 71(भाग), 76(भाग), 78(भाग), 79(भाग), 80 से 264, 265(भाग), 266(भाग), 267 से 270, 271(भाग), 272(भाग), 274(भाग), 282(भाग), 283(भाग), 289(भाग), 290(भाग), 291 से 359, 360(भाग), 361(भाग), 362(भाग), 363, 364(भाग), 372(भाग), 373(भाग), 374 से 377, 378(भाग), 379 से 390, 391(भाग), 392 से 398, 399(भाग), 400, 401(भाग), 402(भाग), 403(भाग), 404 से 455, 456(भाग), 457 से 467, 468(भाग), 475(भाग), 478(भाग), 479(भाग), 480, 481, 482, 483(भाग), 484(भाग), 485(भाग), 486(भाग), 487(भाग), 509(भाग), 574(भाग), 576(भाग), 577(भाग), 579(भाग), 590(भाग), 711, 713, 724 से 725(भाग) और 726

कनौडा ग्राम में अर्जित किये जाने वाले प्लॉट सं.

1(भाग), 5(भाग), 6(भाग), 7(भाग), 8(भाग), 11(भाग), 26(भाग), 27(भाग), 35(भाग), 36(भाग), 37 से 40, 41(भाग), 42 और 43

राजधर ग्राम में अर्जित किये जाने वाले प्लॉट सं.

174(भाग), 176(भाग), 177 से 183, 184(भाग), 185 से 189, 190(भाग), 191(भाग), 192(भाग), 193, 194 195(भाग), 204(भाग), 205(भाग), 206, 207, 208 और 210

कल्याणपुर ग्राम में अर्जित किये जाने वाले प्लॉट सं.

152(भाग), 153(भाग), 154(भाग), 156(भाग), 157(भाग), 158(भाग), 159(भाग), 160(भाग), 214, 215 (भाग), 216(भाग), 251(भाग), 256(भाग), 258(भाग), 259 से 263, 264(भाग), 265(भाग), 273(भाग), 274(भाग), 275(भाग), 276, 277(भाग), 278(भाग), 279 से 291, 292(भाग), 293 और 294

सीमा वर्णन

क—ख रेखा कल्याणपुर ग्राम में प्लॉट सं. 154, 153, 157, 153, 152, 215, 216, 252, 258, 256, 264, 265, 275, 274, 273, 277 और 278 से होकर जाती है, तब बहेरा ग्राम में प्लॉट सं. 725 से होकर राजधर ग्राम में प्लॉट सं. 174, 176, 184, 174, 190, 191, 192, 195, 194 और 204 से होकर जाती है।

ख—ग रेखा बहेरा ग्राम में प्लॉट सं. 725 में से, राजधर ग्राम में प्लॉट सं. 264 में से होकर, कनौडा ग्राम में प्लॉट सं. 35, 36, 35, 36, 41, 7, 27, 26, 11, 7, 8, 7, 5, 1 और 6 में से होकर जाती है।

ग—घ रेखा कनौडा और बीजेन, कनौडा और पीपरवार ग्रामों की सम्मिलित सीमा के भाग के साथ-साथ जाती है।

घ—ङ—च रेखा किचटो ग्राम में प्लॉट सं. 1, 2, 5, 31, 34, 56, 60, 59, 75, 74, 73, 151, 152, 153, 148, 144, 145, 144, 142, 141, 139, 137, 138, 137, 283, 134, 283, 292, 294, 261, 292, 291, 294, 361, 392, 356, 354, 392, 558 और 538, से होकर जाती है।

च—छ रेखा किचटो ग्राम में प्लॉट सं. 558 और 538 से होकर जाती है।

छ—ज—झ रेखा किचटो ग्राम में प्लॉट सं. 538, 558, 392, 355, और 392 में से होकर जाती है।

झ—ञ रेखा किचटो ग्राम में प्लॉट सं. 392, 377, 392 और 377 में से होकर जाती है।

ञ—ट रेखा किचटो ग्राम में प्लॉट सं. 377, 392 और 356 में से होकर जाती है।

ट—ठ—ड—ढ—ण रेखा किचटो ग्राम में प्लॉट सं. 356, 392, 361, 293, 364, 124, 283, 133, 131, 129, 128, 92 91, 93, 94, 98, 52, 101, 100, 103, 104 और 51 प्लॉट सं. 37 की पूर्वी सीमा से होकर जाती है; तब बहेरा ग्राम में प्लॉट सं. 364, 362, 361, 360, 373, 372, 378, 391, 399, 401, 402, 403, 590, 456, 579,

577,576,574,403,484,485,486,487, 478,479,475,468,509 और 1 में से होकर प्लाट सं. 363 की पूर्वी सीमा के साथ-साथ जाती है।

ण—त रेखा बहेरा और कारों ग्रामों की सम्मिलित सीमा के भाग के साथ-साथ जाती है।

त—थ रेखा बहेरा ग्राम में प्लाट सं. 1,290,289,290,283,282,272,274,271,62,266,265,76,78,71,36, 25,24,714 और 716 में से होकर जाती है।

थ—द—ध—न रेखा राजधर और बहेरा ग्रामों की सम्मिलित सीमा के भाग के साथ-साथ राजधर ग्राम में प्लाट सं. 205 में से होकर, प्लाट सं. 215 की पूर्वी सीमा पर प्लाट सं. 292 और 184 में से होकर कल्याणपुर ग्राम में प्लाट सं. 215, 158 और 159 में से होकर जाती है।

न—क रेखा प्लाट सं. 160,156 में से होकर प्लाट सं. 159 की उत्तरी सीमा, कल्याणपुर ग्राम में प्लाट सं. 154 की उत्तरी सीमा के साथ-साथ जाती है और प्रारंभिक बिन्दु "क" पर मिलती है।

ब्लाक "ख"

सभी अधिकार

क्र.सं.	ग्राम	थाना	थाना सं.	जिला	क्षेत्र	टिप्पणियां
1.	किचटो	टांडवा	78/235	हजारीबाग	6.90 एकड़	भाग
				कुल क्षेत्र : 6.90 एकड़ (लगभग)		
				या 2.79 हेक्टर (लगभग)		

ग्राम किचटो में अर्जित किये जाने वाले प्लाट सं.

535(भाग), 536(भाग), और 537(भाग)

सीमा वर्णन :

प—फ रेखा किचटो ग्राम में प्लाट सं. 537 में से होकर जाती है।

फ—ब रेखा किचटो ग्राम में प्लाट सं. 537 और 536 में से होकर जाती है।

ब—भ रेखा किचटो ग्राम में प्लाट सं. 535 में से होकर जाती है।

भ—प रेखा किचटो ग्राम में प्लाट सं. 535 और 537 में से होकर जाती है और प्रारंभिक बिन्दु "प" पर मिलती है।

[फा. सं. 43015/31/85-सी. ए.]

MINISTRY OF ENERGY

(Department of Coal)

New Delhi, the 24th April, 1987

S. O. 1199 :—Whereas by the notification of the Government of India in the Ministry of Energy, Department of Coal, S. O. No. 1088 dated the 27th February, 1986, issued under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government gave notice of its intention to prospect for coal in 1310.68 acres (approximately), or 530.40 hectares (approximately) of the land in the locality specified in the schedule appended to that notification;

And whereas the Central Government is satisfied that Coal is obtainable in part of the said land;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of section 7 of the said Act, the Central Government hereby gives notice of its intention to acquire the land measuring 683.10 acres (approximately), or 276.43 hectares (approximately) described in the schedule appended hereto;

Note 1 :— The plan No. Rev/38/86 dated the 22nd September, 1986, of the area covered by this notification may be inspected in the Office of the Deputy Commissioner, Hazaribagh (Bihar) or in the Office of the Coal Controller, 1, Council House Street, Calcutta-1 or in the office of the Central Coalfields Limited (Revenue Section), Darbhanga House, Ranchi (Bihar).

Note 2 :— Attention is hereby invited to the provisions of section 8 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), which provides as follows :—

“8.(1) Any person interested in any land in respect of which a notification under section 7 has been issued may, within thirty days of the issue of the notification object to the acquisition of the whole or any part of the land or any rights in or over such land.

Explanation.—It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operations in the land for the production of coal and that such operations would not be undertaken by the Central Government or by any other person.

(2) Every objection under sub-section (1) shall be made to the competent authority in writing, and the competent authority shall give the objecter an opportunity of being heard either in person or by a legal practitioner and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, either make a report in respect of the land which has been notified under sub-section (1) of section 7 or of rights in or over such land, or make different reports in respect of different parcels of such land or of rights in or over such land, to the Central Government, containing his recommendations on the objections, together with the record of the proceedings held by him, for the decision of that Government.

(3) For the purposes of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land or any rights in or over such land were acquired under this Act.”

Note 3 :— The Coal Controller, 1, Council House Street, Calcutta, has been appointed by the Central Government as the competent authority under the Act.

Schedule

Piparwar Extension Block II
North Karanpura Coalfield
District Hazaribagh (Bihar)

(showing land to be acquired).

Block 'A'

All rights

Serial number	Village	Thana	Thana number	District	Area	Remarks
1.	Kichto	Tandwa	78/235	Hazaribagh	107.00	Part
2.	Bahera	Tandwa	79/236	Hazaribagh	308.70	Part
3.	Kanauda	Tandwa	81/238	Hazaribagh	188.00	Part
4.	Rajdhar	Tandwa	82/239	Hazaribagh	19.25	Part
5.	Kalyanpur	Tandwa	85/242	Hazaribagh	53.25	Part
Total area :					676.20 acres (approximately) or 273.64 hectares (approximately)	

Plot numbers to be acquired in village Kichto :—1 (Part), 2 (Part), 3, 4, 5 (Part), 31 (Part), 34 (Part), 35 to 50, 51 (Part), 52 (Part), 53, 54, 55, 56 (Part), 57, 58, 59 (Part), 60 (Part), 73 (Part), 74 (Part), 75 (Part), 76 (Part), 92 (Part), 93 (Part), 94 (Part), 95, 96, 97, 98 (Part), 99, 100 (Part), 101 (Part), 103 (Part), 104 (Part), 124 (Part), 128 (Part), 129 (Part), 131 (Part), 133 (Part), 134 (Part), 135, 136, 137 (Part), 138 (Part), 139 (Part), 141 (Part), 142 (Part), 143, 144 (Part), 145 (Part), 148 (Part), 150, 151 (Part), 152 (Part), 153 (Part), 283 (Part), 291 (Part), 292 (Part), 293 (Part), 294 (Part), 354 (Part), 355 (Part), 356 (Part), 361 (Part), 364 (Part), 377 (Part), 392 (Part), 538 (Part), 558 (Part), and 664.

Plot numbers to be acquired in village Bahera :—

1(Part), 24(Part), 25(Part), 26 to 35, 36(Part), 62(Part), 71(Part), 76(Part), 78(Part), 79(Part), 80 to 264, 265(Part), 266(Part), 267 to 270, 271(Part), 272(Part), 274(Part), 282(Part), 283(Part), 289(Part), 290(Part), 291 to 359, 360(Part), 361(Part), 362(Part), 363, 364(Part), 372(Part), 373(Part), 374 to 377, 378(Part), 379 to 390, 391(Part), 392 to 398, 399(Part), 400, 401(Part), 402(Part), 403(Part), 404 to 455, 456(Part), 457 to 467, 468(Part), 475(Part), 478(Part), 479(Part), 480, 481, 482, 483(Part), 484(Part), 485(Part), 486(Part), 487(Part), 509(Part), 574(Part), 576(Part), 577(Part), 579(Part), 590(Part), 711, 713, 714(Part), 715, 716(Part), 717, 718, 719, 720, 721, 722, 723, 724, 725(Part) and 726.

Plot numbers to be acquired in village Kanauda :

1(Part), 5(Part), 6(Part), 7(Part), 8(Part), 11(Part), 26(Part), 27(Part), 35(Part), 36(Part), 37 to 40, 41(Part), 42, and 43.

Plot numbers to be acquired in village Rajdhar :—

174(Part), 176(Part), 177 to 183, 184(Part), 185 to 189, 190(P), 191(Part), 192(Part), 193' 194(Part), 195(Part), 204(Part), 205(Part), 206, 207, 208 and 210.

Plot numbers to be acquired in village Kalyanpur :—

152(Part), 153(Part), 154(Part), 156(Part), 157(Part), 158(Part), 159(Part), 160(Part), 214, 215(Part), 216(Part), 252(Part), 256(Part), 258(Part), 259 to 263, 264(Part), 265(Part), 273(Part), 274(Part), 275(Part), 276, 277(Part), 278(Part), 279 to 291, 292(Part), 293 and 294.

Boundary description :

- A—B** line passes through plot numbers 154, 153, 157, 153, 152, 215, 216, 252, 258, 256, 264, 265, 275, 274, 273, 277, and 278 in village Kalyanpur then passes through plot numbers 174, 176, 184, 174, 190, 191, 192, 195, 194 and 204 in village Rajdhar through plot number 725 in village Bahera.
- B—C** line passes through plot number 725 in village Bahera then through plot number 264 in village Rajdhar, through plot numbers 35, 36, 35, 36, 41, 7, 27, 26, 11, 7, 8, 7, 5, 1 and 6 in village Kanauda.
- C—D** line passes along part common boundary of villages Kanauda and Bijain, Kanauda and Piparwar.
- D—E—F** lines pass through plot numbers 1, 2, 5, 31, 34, 56, 60, 59, 75, 74, 73, 151, 152, 153, 148, 144, 145, 144, 142, 141, 139, 137, 138, 137, 283, 134, 283, 292, 291, 294, 361, 392, 356, 354, 392, 558 and 538 in village Kichto.
- F—G** line passes through plot numbers 558 and 538 in village Kichto.
- G—H—I** lines pass through plot numbers 538, 558, 392, 355 and 392 in village Kichto.
- I—J** line passes through plot numbers 392, 377, 392 and 377 in village Kichto.
- J—K** line passes through plot numbers 377, 392 and 356 in village Kichto.
- K—L—M—N—O** lines pass through plot numbers 356, 392, 361, 293, 364, 124, 283, 133, 131, 129, 128, 92, 91, 93, 94, 98, 52, 101, 100, 103, 104 and 51, eastern boundary of plot number 37 in village Kichto then passes along eastern boundary of plot number 363 through plot numbers 364, 362, 361, 360, 373, 372, 378, 391, 399, 401, 402, 403, 590, 456, 579, 577, 576, 574, 483, 484, 485, 486, 487, 478, 479, 475, 468, 509, and 1 in village Bahera.
- O—P** line passes along part common boundary of villages Bahera and Karo.
- P—Q** line passes through plot numbers 1, 290, 289, 290, 283, 282, 272, 274, 271, 62, 266, 265, 76, 78, 71, 79, 36, 25, 24, 714 and 716 in village Bahera.
- Q—R—S—T** lines pass along part common boundary of villages Rajdhar and Bahera, through plot number 205 in village Rajdhar through plot numbers 292 and 184 eastern boundary of plot number 215 through plot numbers 215, 158, and 159 in village Kalyanpur.
- T—A** line passes along northern boundary of plot number 159 through plot numbers 160, 156, northern boundary of plot number 154 in village Kalyanpur and meets at starting point 'A'.

Block 'B'

All rights

Serial number	Village	Thana	Thana number	District	Area	Remarks
1.	Kichto	Tandwa	78/235	Hazaribagh	6.90 acres	Part
Total area 6.90 acres (approximately) or 2.79 hectares (approximately)						

Plot numbers to be acquired in village Kichto :

535(Part), 536(Part), and 537(Part).

Boundary description :

U—V	line passes through plot number 537 in village Kichto.
V—W	line passes through plot numbers 537 and 536 in village Kichto.
W—X	line passes through plot number 535 in village Kichto.
X—U	line passes through plot numbers 535 and 537 in village Kichto and meets at starting point 'U'.

[No. 43015/31/85-CA]

का. आ. 1200 :—केन्द्रीय सरकार ने, भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii), तारीख 2 फरवरी, 1985 में प्रकाशित भारत सरकार के ऊर्जा मंत्रालय (कोयला विभाग) की अधिसूचना सं. का.आ. 420, तारीख 16 जनवरी, 1985 द्वारा कोयलाधारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है की धारा 4 की उपधारा (1) के अधीन उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र में जो इस अधिसूचना से उपाखंड अनुसूची में भी विनिर्दिष्ट है, 8582.421 हेक्टर (लगभग) या 21207.162 एकड़ (लगभग) मापमान की भूमि में कोयले के पूर्वेक्षण के लिये अपने आशय की सूचना दी थी;

और उक्त भूमियों की बाबत उक्त अधिनियम की धारा 7 की उपधारा (1) के अधीन कोई सूचना नहीं दी गई है

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उक्त उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 2 फरवरी, 1987 से आरंभ होने वाली एक वर्ष की और अवधि को, उस अवधि के रूप में विनिर्दिष्ट करती है, जिसके भीतर केन्द्रीय सरकार उक्त भूमियों को या ऐसी भूमियों में या उन पर किन्हीं अधिकारों के अर्जन के अपने आशय की सूचना दे सकेगी,

अनुसूची

कन्हान उत्तरी-ब्लाक

जिला छिन्दवाड़ा (मध्य प्रदेश)

क्र. सं.	ग्राम	तहसील	पटवारी सफिल सं.	जिला	हेक्टरों में क्षेत्र	टिप्पणियां
1.	उमराड़ी	छिन्दवाड़ा	32	छिन्दवाड़ा	891.717	पूर्ण
2.	पटनिया	—यथोक्त—	32	छिन्दवाड़ा	250.372	पूर्ण
3.	सगोनिया	—यथोक्त—	11	—यथोक्त—	312.927	भाग
4.	पनारा	—यथोक्त—	31	—यथोक्त—	402.769	भाग
5.	गारादेवी	—यथोक्त—	36	—यथोक्त—	192.538	पूर्ण
6.	गारादेवी	—यथोक्त—	—	—यथोक्त—	320.243	भाग
7.	बिलावर खुर्द	—यथोक्त—	32	—यथोक्त—	210.194	पूर्ण
8.	बिलावर कला	—यथोक्त—	32	—यथोक्त—	661.599	पूर्ण
9.	मोझारी	—यथोक्त—	35	—यथोक्त—	400.079	पूर्ण
10.	बेलखेड़ी	—यथोक्त—	35	—यथोक्त—	193.980	पूर्ण
11.	मोदरिया	—यथोक्त—	35	—यथोक्त—	411.368	पूर्ण
12.	अलीवाड़ा	—यथोक्त—	36	—यथोक्त—	232.425	पूर्ण

1	2	3	4	5	6	7
13.	चिलमऊ	छिन्दवाड़ा	36	छिन्दवाड़ा	70.636	भाग
14.	जामई	—यथोक्त—	36	—यथोक्त—	507.287	पूर्ण
15.	सुकरी	—यथोक्त—	37	—यथोक्त—	95.247	भाग
16.	उमरिया फदाली	—यथोक्त—	37	—यथोक्त—	283.846	भाग
17.	टाटरवाड़ा	—यथोक्त—	53	—यथोक्त—	215.223	पूर्ण
18.	कोटाखारी	—यथोक्त—	35	—यथोक्त—	354.077	पूर्ण
19.	कोटाखारी	—यथोक्त—	—	—यथोक्त—	655.870	पूर्ण
20.	केवलारी	—यथोक्त—	53	—यथोक्त—	755.053	भाग
21.	रिछेड़ा	—यथोक्त—	53	—यथोक्त—	463.591	भाग
22.	जमकुण्डा	—यथोक्त—	37	—यथोक्त—	29.251	भाग
23.	बिछुआ	—यथोक्त—	53	—यथोक्त—	329.587	पूर्ण
24.	घुट्टी	—यथोक्त—	37	—यथोक्त—	247.238	पूर्ण
25.	बिलावर खुदे	—यथोक्त—	—	—यथोक्त—	75.304	पूर्ण

कुल क्षेत्र : 8582.421 हेक्टर (लगभग)

या

21207.162 एकड़ (लगभग)

सीमा वर्णन :

क-ख	रेखा, उमराड़ी और जूनापानी, बिलावर कलां और जूनापानी, बिलावर कलां और बिलावर कलां आर बिलावर कलां आर. वन मोझारी और करन पिपरिया, मोहरिया और ढाला पत्थर, कोटाखारी और ढाला पत्थर और कोटाखारी और गुदगुम ग्रामों की सम्मिलित ग्राम सीमा के साथ-साथ जाती है तथा कोटाखारी, कोटाखारी आ. वन तथा गुदगुम तीनों ग्रामों के संधिस्थल पर बिन्दु "ख" पर मिलती है।
ख-ग	रेखा, कोटाखारी आ. वन और मेका देवरी, बिछुआ और मेका देवरी बिछुआ और धवलिया ग्रामों की सम्मिलित ग्राम सीमा के साथ-साथ जाती है तथा बिछुआ, धवलिया और रिछेड़ा तीनों ग्रामों के संधिस्थल पर बिन्दु "ग" पर मिलती है।
ग-घ	रेखा, बिछुआ और रिछेड़ा ग्रामों की सम्मिलित ग्राम सीमा के साथ-साथ जाती है फिर ग्राम केवलारी से और फिर ग्राम कोटाखारी आ. वन और मोरकुण्ड, टाटाखाड़ा और मोरकुण्ड ग्रामों की सम्मिलित सीमा के साथ जाती है और ग्राम टाटरवाड़ा मोरकुण्ड और घुट्टी तीनों ग्रामों की संधिस्थल पर बिन्दु "घ" पर मिलती है।
घ-ङ	रेखा, घुट्टी और मोरकुण्ड उमरिया फदाली और मोरकुण्ड, केवलारी और मोरकुण्ड ग्रामों की सम्मिलित ग्राम सीमा के साथ-साथ जाती है, फिर केवलारी और रिछेड़ा ग्रामों से होकर जाती है और रिछेड़ा धवासिया तथा मण्डवा तीनों ग्रामों के संधिस्थल पर बिन्दु "ङ" पर मिलती है।
ङ-च	रेखा, रिछेड़ा और मंडवा, रिछेड़ा और चारी, रिछेड़ा और पिपराज, रिछेड़ा और पालाचौराई, केवलारी और पालाचौराई, केवलारी और नजरपुर, उमरिया फदाली और नजरपुर ग्रामों की सम्मिलित ग्राम सीमा के साथ-साथ जाती है और उमरिया, फदाली, नजरपुर और जमकुण्डा तीनों ग्रामों के संधिस्थल पर बिन्दु "च" पर मिलती है।
च-छ	रेखा, जमकुण्डाग्राम से होकर जाती है और बिन्दु "छ" पर मिलती है।
छ-ज	रेखा, जमकुण्डा और उमरिया फदाली ग्रामों से होकर जाती है, फिर उमरिया फदाली और घुट्टी की सम्मिलित ग्राम सीमा के साथ-साथ जाती है और फिर सुकरी ग्राम से होकर जाती है और सुकरी, जामई और खापा-स्वामी तीनों ग्रामों के संधिस्थल पर बिन्दु "ज" पर मिलती है।
ज-झ	रेखा, जमाई और खापास्वामी, ग्रामों की सम्मिलित ग्राम सीमा के साथ-साथ जाती है और जामई, खापास्वामी तथा इतलावादी तीनों ग्रामों के संधिस्थल पर बिन्दु "झ" पर मिलती है।
झ-ञ	रेखा, जामई और इतलावादी, जामई और गारादेवी आ. वन, जामई और जन्नीर बिस्क चिखलमऊ और जनौर बिस्क ग्रामों की सम्मिलित ग्राम सीमा के साथ-साथ जाती है और चिखलमऊ तथा जनौर बिस्क ग्रामों की सम्मिलित सीमा पर बिन्दु "ञ" पर मिलती है।

अ-ट	रेखा, ग्राम चिखलमऊ से होकर पश्चिम से पूर्व जाती है फिर अलीवाड़ा, चिखलमऊ बेलखेड़ी और चिखलमऊ ग्रामों की सम्मिलित ग्राम सीमा के साथ-साथ जाती है और बेलखेड़ी तथा गारादेवी अ. वन ग्रामों की सम्मिलित सीमा पर बिन्दु "ट" पर मिलती है।
ट-ठ	रेखा, गारादेवी अ. वन और चिखलमऊ ग्रामों की सम्मिलित सीमा के साथ-साथ जाती है और बिन्दु "ठ" पर मिलती है।
ठ-ड	रेखा, गारादेवी अ. वन ग्राम से होकर पूर्व से पश्चिम की ओर जाती है, फिर गारादेवी और गारादेवी अ. वन पनारा और गारादेवी अ. वन ग्रामों की सम्मिलित सीमा के साथ-साथ जाती है और फिर ग्राम पनारा से होकर पूर्व से पश्चिम जाती है और पनारा और सगोनिया ग्रामों की सम्मिलित सीमा पर बिन्दु "ड" पर मिलती है।
ड-ढ	रेखा, पनारा और सगोनिया ग्रामों की सम्मिलित सीमा के साथ-साथ जाती है और बिन्दु "ड" पर मिलती है।
ढ-ण	रेखा, सगोनिया ग्राम से होकर पूर्व से पश्चिम, फिर उत्तर से दक्षिण और फिर पश्चिम से पूर्व जाती है तथा पनारा और सगोनिया ग्रामों की सम्मिलित सीमा पर बिन्दु "ण" पर मिलती है।
ण-त	रेखा, सगोनिया और पनारा ग्रामों की सम्मिलित सीमा के साथ-साथ जाती है और सगोनिया, पनारा तथा पुरेना कोठी तीन ग्रामों के संधिस्थल पर बिन्दु "त" पर मिलती है।
त-थ	रेखा, सगोनिया और पुरेना कोठी, सगोनिया और घोड़ावारी कलां ग्रामों की सम्मिलित सीमा के साथ-साथ जाती है और सगोनिया, घोड़ावारी और माली तीन ग्रामों के संधिस्थल पर बिन्दु "थ" पर मिलती है।
थ-क	रेखा, सगोनिया और माली, पटनियां और माली पटनिया और बिजोरी, उमराड़ी और बिजोरी, उमराड़ी और छावड़ा और उमराड़ी तथा घाटघापा ग्रामों की सम्मिलित सीमा के साथ-साथ जाती है और उमराड़ी घाटघापा और जूना पानी तीनों ग्रामों के संधिस्थल पर आरंभिक बिन्दु "क" पर मिलती है।

[मं. 43019/17/84-सी. ए.]

S. O. 1200:—Whereas by the notification of the Government of India in the Ministry of Energy (Department of Coal) Number S.O. 420 dated the 16th January, 1985, under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) and published in Part-II, Section 3, Sub-section (ii) of the Gazette of India dated the 2nd February, 1985, the Central Government gave notice of its intention to prospect for coal in lands measuring 8582.421 hectares (approximately) or 21207.162 acres (approximately) in the locality specified in the schedule appended thereto as also in the schedule hereto annexed.

And, whereas, in respect of the said lands, no notice under sub-section (1) of section 7 of the said Act has been given.

Now, therefore, in exercise of the powers conferred by the said sub-section (1) of section 7 of the said Act, the Central Government hereby specifies a further period of one year commencing from the 2nd February, 1987 as the period within which the Central Government may give notice of its intention to acquire the said lands or any rights in or over such lands.

THE SCHEDULE
KANHAN NORTH BLOCK
DISTRICT CHHINDWARA (MADHYA PRADESH)

Serial Number	Village	Tahsil	Patwari circle number	District	Area in hectares	Remarks
1	2	3	4	5	6	7
1.	Umradi	Chhindwara	32	Chhindwara	891.717	Full
2.	Pataniya	Chhindwara	32	Chhindwara	250.372	Full
3.	Sagoniya	Chhindwara	11	Chhindwara	312.927	Part
4.	Panara	Chhindwara	31	Chhindwara	402.769	Part
5.	Garadevi	Chhindwara	36	Chhindwara	192.538	Full
6.	Garadevi	Chhindwara	..	Chhindwara	320.243	Part
7.	Bilawar Khurd	Chhindwara	32	Chhindwara	210.194	Full
8.	Bilawar Kalan	Chhindwara	32	Chhindwara	661.599	Full

1	2	3	4	5	6	7
9.	Moari	Chhindwara	35	Chhindwara	400.079	Full
10.	Belkheri	Chhindwara	35	Chhindwara	193.980	Full
11.	Moharia	Chhindwara	35	Chhindwara	411.368	Full
12.	Aliwara	Chhindwara	36	Chhindwara	232.425	Full
13.	Chikhalmau	Chhindwara	36	Chhindwara	70.636	Part
14.	Jamai	Chhindwara	36	Chhindwara	507.287	Full
15.	Sukri	Chhindwara	37	Chhindwara	95.247	Part
16.	Umaria Fadali	Chhindwara	37	Chhindwara	283.846	Part
17.	Tatarwara	Chhindwara	53	Chhindwara	215.223	Full
18.	Kotakhari	Chhindwara	35	Chhindwara	354.077	Full
19.	Kotakhari	Chhindwara	..	Chhindwara	655.870	Full
20.	Keolari	Chhindwara	53	Chhindwara	755.053	Part
21.	Richhera	Chhindwara	53	Chhindwara	463.591	Part
22.	Jamkunda	Chhindwara	37	Chhindwara	29.251	Part
23.	Bichhua	Chhindwara	53	Chhindwara	329.587	Full
24.	Ghutti	Chhindwara	37	Chhindwara	247.238	Full
25.	Bilawar Khurd	Chhindwara	..	Chhindwara	75.304	Full
Total Area					8582.421 hectares (approximately) or 21207.162 acres (approximately)	

BOUNDARY DESCRIPTION :

- A—B** Line passes along the common village boundary of villages Umradi, and Junapani Bilawar Kalan and Junapani, Bilawar Kalan and Bilawar Kalan R. F., Moari and Karan Piparia, Moharia and Dhala Pathar, Kotakhari and Dhala Pathar and Kota khari and Guddum and meets on the trijunction of villages Kotakhari, Kotkhari R.F. and Guddum at point 'B'.
- B—C** Line passes along the common village boundary of villages Kotakhari R. F. and Menka Deori, Bichhua and Menka Deori, Bichuhua and Dhawasia and meets on the trijunction of Villages Bichhua, Dhawasia and Richhera at point 'C'.
- C—D** Line passes along the common village boundary of villages Bichua and Richhera, then through village Keolari and then along common boundary of villages Kotakhari R.F. and Morkund, Tatarwara and Morkund and meets on the trijunction of villages Tatarwara, Morkund and Ghutti at point 'D'.
- D—E** Line passes along the common village Boundary of villages Ghutti and Morkund Umaria Fadali and Morkund, Keolari and Mordkund, then through villages Keolar and Richhera and meets on the trijunction of villages Richhera, Dhawasia and Mandw at point 'E'.
- E—F** Line passes along the common village boundary of villages Richhera and Mandwa Richhera and Chari, Richhera and Piparaj, Richhera and Palachourai, Keolari an Palachourai, Keolari and Nazarpur, Umaria Fadali and Nazarpur and meets on th d trijunction of villages Umaria Fadali, Nazarpur and Jamkunda at point 'F'.
- F—G** Line passes through village Jamkunda and meets at point 'G'.
- G—H** Line passes through villages Jamkunda and Umaria Fadali, then along the common village boundary of Umaria Fadali and Ghutti, and then passes through village Sukr and meets on the trijunction of villages Sukri, Jamai and Khapaswami at point 'H'.
- H—I** Line passes along the common village boundary of villages Jamai and Khapaswami and meets on the trijunction of villages Jamai Khapaswami and Datlabadi at point 'I'.
- I—J** Line passes along the common village boundary of villages Jamai and Datlabadi, Jamai and Garadevi R.F., Jamai and Junor Dist., Chikhalmau and Junnor Bist and meets on the common boundary of villages Chikhalmau and Junnor Bist at point 'J'.

- J—K Line passes through village Chikhalamau from West to East, then along the common village boundary of villages Aliwara and Chikhalamau, Belkheri and Chikhalamau and meets on the common boundary of villages Belkheri and Garadevi R.F. at point 'K'.
- K—L Line passes along the common boundary of villages Baradevi R.F., and Chikhalamau and meets at point 'L'.
- L—M Line passes through villages Garadevi R.F., from East to West, then along the common boundary of villages Garadevi and Garadevi R.F., Panara and Garadevi R.F., and then passes through village Panara from East to West and meets on the common boundary of villages Panara and Sagoniya at point 'M'.
- M—N Line passes along the common village boundary of villages Panara and Sagoniya and meets at point 'N'.
- N—O Line passes through village Sagoniya from East to West, then North to South and then from West to East and meets on the common boundary of villages Panara and Sagoniya at point 'O'.
- O—P Line passes along the common boundary of villages Sagoniya and Panara and meets on the trijunction of villages Sagoniya, Panara and Purena Kothi at point 'P'.
- P—Q Line passes along the common boundary of villages Sagoniya and Purena Kothi, Sagoniya and Ghorawari Kalan, and meets on the trijunction of villages Sagoniya, Ghorawari and Mali at point 'Q'.
- Q—A Line passes along the common boundary of villages Sagoniya and Mali, Pataniya and Mali, Pataniya and Bijori, Umradi and Bijori Umradi and Chabra and Umradi and Ghatkhapa and meets on the trijunction of villages Umradi, Ghatkhapa and Junapani at the starting point 'A'.

[No. 43019/17/84-CA]

का. आ. 1201.—केन्द्रीय सरकार को यह प्रतीत होता है कि इसमें उपायध्व अनुसूची में उल्लिखित भूमि में कोयला अभिप्राप्त किए जाने की संभावना है;

अतः, केन्द्रीय सरकार कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम 1957 (1957 का 20) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस क्षेत्र में कोयले का दूर्वेक्षण करने के लिए अपने आशय की सूचना देती है;

इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र का रेखांक सं. सी-1(ई)/111/जे. जे. आर./379—187 तारीख 5 जनवरी, 1987 का निरीक्षण वेस्टर्न कोलफील्ड्स लिमिटेड (राजस्व विभाग), कोल एस्टेट, सिविल लाइन्स, नागपुर-440001 में या कलक्टर चन्द्रपुर (महाराष्ट्र) के कार्यालय में या कोयला नियंत्रक, 1, काउन्सिल हाऊस स्ट्रीट, कलकत्ता के कार्यालय में किया जा सकता है;

इस अधिसूचना के अधीन आने वाली भूमि में हितवद्ध सभी व्यक्ति उक्त अधिनियम की धारा 13 की उपधारा (7) में निर्दिष्ट सभी नक्शों, चार्टों और अन्य दस्तावेजों को इस अधिसूचना के प्रकाशन की तारीख से नब्बे दिन के भीतर राजस्व अधिकारी वेस्टर्न कोलफील्ड्स लिमिटेड, कोल एस्टेट, सिविल लाइन्स, नागपुर-440001 को परिदन्त करेंगे।

अनुसूची

भाण्डक ब्लॉक

वर्गी क्षेत्र

(जिला चन्द्रपुर (महाराष्ट्र))

क्र. स.	ग्राम का नाम	पटवारी सॉकल संख्यांक	तहसील	जिला	हैक्टरों में क्षेत्र	टिप्पणियां
1	2	3	4	5	6	7
1.	वडाला	30	भद्रावती	चन्द्रपुर	65.00	भाग
2.	रामपुरी	31	भद्रावती	चन्द्रपुर	39.20	सम्पूर्ण
3.	मोहावाला	31	भद्रावती	चन्द्रपुर	25.00	भाग
4.	सुमथाला	31	भद्रावती	चन्द्रपुर	75.00	भाग
5.	छुटकला	31	भद्रावती	चन्द्रपुर	285.87	संपूर्ण
6.	भद्रावती	26	भद्रावती	चन्द्रपुर	339.34	संपूर्ण

1	2	3	4	5	6	7
7.	गौगला	30	भद्रावती	चन्द्रपुर	314.25	संपूर्ण
8.	विजामन	27	भद्रावती	चन्द्रपुर	896.02	संपूर्ण
9.	चिचोरडी	25	भद्रावती	चन्द्रपुर	556.06	संपूर्ण
10.	केसुरली	27	भद्रावती	चन्द्रपुर	353.43	संपूर्ण
11.	कुरोडा	5	भद्रावती	चन्द्रपुर	263.92	संपूर्ण
12.	दियूलवाडा	4	भद्रावती	चन्द्रपुर	65.00	भाग
13.	कोन्धा	5	भद्रावती	चन्द्रपुर	450.00	भाग
14.	कडोली	6	भद्रावती	चन्द्रपुर	18.00	भाग
					3746.09 हेक्टर	
					या	
					9256.962 एकड़ (लगभग)	

सीमा वर्णन :

क-ख-ग	रेखा, बिन्दु "क" से आरम्भ होती है और कोन्धा ग्राम की बाहरी सीमा के साथ-साथ जाती है और तब कडोली ग्राम से होकर जाती है फिर केसुरली, चिचोरडी, छुटकला ग्रामों की बाहरी सीमा के साथ-साथ जाती है और बिन्दु "ग" पर मिलती है।
ग-घ	रेखा, छुटकला ग्राम की बाहरी सीमा के साथ-साथ जाती है, फिर मुमथाना, मोहावाना, वडाला ग्रामों से होकर जाती है और बिन्दु "घ" पर मिलती है।
घ-ङ	रेखा, वडाला ग्राम से होकर जाती है, फिर गौगला, विजामन ग्रामों की बाहरी सीमा के साथ-साथ जाती है और बिन्दु "ङ" पर मिलती है।
ङ-च	रेखा, विजामन ग्राम की बाहरी सीमा के साथ-साथ जाती है फिर दियूलवाडा ग्राम से होकर जाती है और बिन्दु "च" पर मिलती है।
च-क	रेखा, कोन्धा ग्राम से होकर जाती है और आरम्भिक बिन्दु "क" पर मिलती है।

[सं 43015/3/87-सी. ए.]

ममय सिंह, श्रवर सचिव

S. O. 1201:—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development), Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein;

The plan bearing No. C-1(E)/III/JJR/379-187 dated the 5th January, 1987 of the area covered by this notification can be inspected at the office of the Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur-440 001 or at the office of the Collector, Chandrapur (Maharashtra) or at the office of the Coal Controller, 1, Council House Street, Calcutta.

All persons interested in the lands covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Revenue Officer, Western Coalfields Limited, Coal Estate, Civil Line, Nagpur-440001 within ninety days from the date of publication of this notification.

SCHEDULE

BHANDAK BLOCK

WANI AREA

DISTRICT—CHANDRAPUR (MAHARASHTRA)

Serial Number	Name of village	Patwari circle Number	Tahsil	District	Area in hectares	Remarks
1.	Wadala	30	Bhadravati	Chandrapur	65.00	Part
2.	Rampuri	31	Bhadravati	Chandrapur	39.20	Full
3.	Mohabala	31	Bhadravati	Chandrapur	25.00	Part
4.	Sumthana	31	Bhadravati	Chandrapur	75.00	Part
5.	Ghutkala	31	Bhadravati	Chandrapur	285.87	Full
6.	Bhadravati	26	Bhadravati	Chandrapur	339.34	Full
7.	Gaurala	30	Bhadravati	Chandrapur	314.25	Full
8.	Vijasan	27	Bhadravati	Chandrapur	896.02	Full
9.	Chichordi	25	Bhadravati	Chandrapur	556.06	Full
10.	Kesurli	27	Bhadravati	Chandrapur	353.43	Full
11.	Kuroda	5	Bhadravati	Chandrapur	263.92	Full
12.	Deulwada	4	Bhadravati	Chandrapur	65.00	Part
13.	Kondha	5	Bhadravati	Chandrapur	450.00	Part
14.	Kadholi	6	Bhadravati	Chandrapur	18.00	Part

3746.09 Hectares

OR

9256.962 Acres
(approximately)

BOUNDARY DESCRIPTION :

- A—B—C Line starts from point 'A' and passes along the outer boundary of village Kondha, proceeds through village Kadholi, then along the outer boundary of villages Kesurli, Chichordi, Ghutkala and meets at point 'C'.
- C—D Line passes along the outer boundary of village Ghutkala, then proceeds through villages Sumthana, Mohabala, Wadala and meets at point 'D'.
- D—E Line passes through village Wadala, then proceeds along the outer boundary of villages Gaurala, Vijasan and meets at point 'E'.
- E—F Line passes along the outer boundary of village Vijasan, then through village Deulwada and meets at point 'F'.
- F—A Line passes through village Kondha and meets at starting point 'A'.

[No. 43015/3/87-CA]

SAMAY SINGH, Under Secy.

निर्माण महानिदेशालय
(केन्द्रीय लोक निर्माण विभाग)

नई दिल्ली, 16 अप्रैल, 1987

का. प्रा. 1202.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में मुख्य इंजीनियर (पश्चिमी अंचल) के अधीन निम्नलिखित कार्यालयों को, जिनके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है। इसको निर्माण महानिदेशालय की दिनांक 8-9-1978 की अधिसूचना संख्या 2/2/77-हिन्दी और दिनांक 9-8-1984 की अधिसूचना संख्या 2/2/84-हिन्दी तथा 9 अक्टूबर, 1986 की अधिसूचना संख्या 2/2/86-हिन्दी जिनके अन्तर्गत क्रमशः 73, 49 और 2 कार्यालयों को अधिसूचित किया था, के अनुक्रम में जारी किया जाता है :—

1. बम्बई केन्द्रीय मंडल-1
2. बम्बई केन्द्रीय मण्डल-6
3. अहमदाबाद केन्द्रीय मण्डल
4. अधीक्षक निर्माण सर्वेक्षक (पश्चिमी अंचल)
5. बम्बई केन्द्रीय मंडल-2
6. पुणे केन्द्रीय मण्डल
7. बम्बई केन्द्रीय मण्डल-8
8. बम्बई केन्द्रीय विद्युत मण्डल-3
9. बम्बई केन्द्रीय विद्युत मण्डल-4
10. नागपुर केन्द्रीय विद्युत परिमण्डल
11. बम्बई केन्द्रीय विद्युत मण्डल-2

[सं. 2/2/86-हिन्दी]

हरीश चन्द्र, निर्माण महानिदेशक,

DIRECTORATE GENERAL OF WORKS
(Central Public Works Department)
New Delhi, the 16th April, 1987

S.O. 1202.—In pursuance of sub-rule (4) of rule 10 the Official Languages (Use for Official purposes of the Union) Rules, 1976, the Central Government hereby notifies the following Offices of the Chief Engineer (Western Zone, the staff whereof have acquired a working knowledge of Hindi This is issued in continuation of Directorate General of Works Notification No. 2/2/77-Hindi, dated the 8-9-78, No. 2/2/84-Hindi, dated the 9-8-84 and No. 2/2/86-Hindi dated the 9-10-88 under which 73, 49 and 2 Offices were notified respectively :—

1. Bombay Central Division-1
2. Bombay Central Division-6
3. Ahmedabad Central Division
4. S. S. W. (Western Zone)
5. Bombay Central Division-2
6. Pune Central Division
7. Bombay Central Division-8
8. Bombay Central Electrical Division-3
9. Bombay Central Electrical Division-4
10. Nagpur Central Electrical Circle.
11. Bombay Central Electrical Division-2.

[No. 2/2/86-Hindi]

HARISH CHANDRA, Director General (Works)

मानव संसाधन विकास मंत्रालय
(महिला एवं बाल विकास विभाग)
नई दिल्ली, 15 अप्रैल, 1987

का. प्रा. 1203.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में राष्ट्रीय जन सङ्गोष्ठा एवं बाल विकास संस्थान, क्षेत्रीय कार्यालय,

बी-113, निराला नगर लखनऊ-226007 को जिसके कर्मचारीवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

[सं. ई. 11017/1/87-हिन्दी]

सुमन नायर, अवसर सचिव

MINISTRY OF HUMAN RESOURCE DEVELOPMENT
(Deptt. of Women and Child Development)

New Delhi, the 15th April, 1987

S.O. 1203.—In pursuance of sub-rule (4) of rule 10 of the Official Languages (Use for Official purposes of the Union) Rules, 1976 the Central Government hereby notifies National Institute for Public Co-operation and Child Development, Regional Office, B-113, Nirala Nagar, Lucknow-226007, the staff whereof have acquired working knowledge of Hindi.

[No. E-11017/1/87-Hindi]
SUMAN NAYAR, Under Secy.

जल भूतल परिवहन मंत्रालय
(नौवहन पक्ष)

नई दिल्ली, 13 अप्रैल, 1987

का. प्रा. 1204.—केन्द्रीय सरकार, केन्द्रीय दीपघर सलाहकार समिति (प्रक्रियात्मक) नियम 1976 के साथ पठित दीपघर अधिनियम 1927 (1927 का 17) की धारा 4 की उपधारा (1) के अनुपालन में एतद्द्वारा भारतीय नौवहन निगम की तकनीकी सेवाओं में तकनीकी प्रबंधक कैप्टन टी एस खारा को कैप्टन वी सुब्रमन्यम के स्थानान्तरण के पश्चात् उनके स्थान पर भारतीय राष्ट्रीय जहाज मालिक संगठन का प्रतिनिधित्व करने के लिए केन्द्रीय दीपघर सलाहकार समिति का सदस्य नियुक्त करती है तथा तत्कालीन परिवहन मंत्रालय जल-भूतल परिवहन विभाग (नौवहन पक्ष) में भारत सरकार की अधिसूचना सं. का. प्रा. 1838, दिनांक 11 अप्रैल, 1986 में निम्नलिखित संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में मद सं. 10 और उससे संबंधित प्रविष्टि के लिए निम्नलिखित मद और प्रविष्टि रखी जाएगी, अर्थात् —

“10. कैप्टन टी एस खारा, भारतीय राष्ट्रीय जहाज मालिक तकनीकी प्रबंधक, एसोसिएशन, के प्रतिनिधि”।
भारतीय नौवहन निगम,
शिपिंग हाऊस, 245, मैडम कामा रोड
नरीमन पॉइंट, बम्बई-40002

[सं. एस डब्ल्यू/एल एल ई - 15/85 - एस एल]
डी. डी. सूद, अवसर सचिव

MINISTRY OF SURFACE TRANSPORT
(Shipping Wing)

New Delhi, the 13th April, 1987

S.O. 1204.— In pursuance of sub-section (1) of section 4 of the Lighthouse Act, 1927 (17 of 1927) read with rule 7 of the Central Advisory Committee for Lighthouses (Procedural) Rules, 1976, the Central Government hereby appoints Capt. T.S. Khara, Technical Manager, Technical Services in Shipping Corporation of India as Member of Central Advisory Committee for Lighthouses to represent the Indian National Ship Owners Association in place of Capt. V. Subramaniam, since transferred and makes the following amendment in the notification of the Government of India in the erstwhile Ministry of Transport, Department of Surface Transport (Shipping Wing) No. S.O. 1838, dated the 11th, April 1986, namely :—

In the said notification for item Serial No. 10 and the entry relating thereto, the following item and entry shall be substituted namely :

"10. Capt. T.S. Khara, Representative of the Technical Manager, Indian National Ship Shipping Corporation Owner's Association" of India, Shipping House, 245, Madame Cama Road, Nariman Point, Bombay-400021

[No. SW/LLE-15/85-SL]

D.D. SOOD, Under Secy.

श्रम मंत्रालय

नई दिल्ली, 20 अप्रैल, 1987

का.श्रा. 1205.—केन्द्रीय सरकार के यह समाधान हो जाने पर कि साहित्य में ऐसा करना अपेक्षित है कि तांबा खनन उद्योग को, जो औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची में प्रविष्टि 13 के अन्तर्गत आता है, उक्त अधिनियम के प्रयोजनों के लिए लोक उपयोगी सेवा घोषित किया जाए;

अतः अद्य औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (क) के उपखंड (6) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए छह मास की अवधि के लिए लोक उपयोगी सेवा घोषित करती है।

[का.सं. 11017/7/85-डी-1(ए)]

MINISTRY OF LABOUR

New Delhi, the 20th April, 1987

S.O. 1205.—Whereas the Central Government is satisfied that the Public interest requires that the Copper Mining Industry, which is covered by entry 13 in the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act ;

Now, therefore, in exercise of the powers conferred by sub-section (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purposes of the said Act for a period of six months.

[F. No. S-11017/7/85-D. 1(A)]

नई दिल्ली, 27 अप्रैल, 1987

का.श्रा. 1206 :—केन्द्रीय सरकार ने, यह समाधान हो जाने पर कि लोक हित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (क) के उपखंड (6) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.श्रा. संख्या 3691 दिनांक 15 अक्टूबर, 1986 द्वारा किसी भी तेल क्षेत्र में सेवा को उक्त अधिनियम के प्रयोजनों के लिए 10 नवम्बर, 1986 से छह मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था।

और केन्द्रीय सरकार की यह है कि लोक हित में उक्त काल अवधि को छह मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है;

अतः अद्य औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (क) के उपखंड (6) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए 10 मई, 1987 से छह मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[संख्या एस-11017/5/85-डी-1 (ए)]

नन्द लाल, अवर सचिव

New Delhi, the 27th April, 1987

S.O. 1206.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provision of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S.O. No. 3691 dated the 15th October, 1986 the service in any Oil field to be a public utility service for the purpose of the said Act, for a period of six months, from the 10th November, 1986.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purpose of the said Act, for a further period of six months from the 10th May, 1987.

[No. S-11017/5/85-D. 1(A)]

NAND LAL, Under Secy.

नई दिल्ली, 20 अप्रैल, 1987

का. श्रा. 1207 :—केन्द्रीय सरकार, कर्मचारी राज्य बीमा, अधिनियम, 1948 (1948 का 34) की धारा 91-क के साथ पठित धारा 88 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम मंत्रालय की दिनांक 21 फरवरी, 1985 की अधिसूचना संख्या का. श्रा. 1052 के क्रम में, नेशनल टेक्स्टाइल कारपोरेशन (मध्य प्रदेश) लिमिटेड, इंदौर के रजिस्ट्रार कार्यालय के नियमित कर्मचारियों को उक्त अधिनियम के प्रवर्तन से पहली अक्टूबर, 1985 से 30 सितम्बर, 1987 तक को, जिसमें यह तारीख भी सम्मिलित है, अवधि के लिए छूट देती है।

उक्त छूट निम्नलिखित शर्तों के अधीन है, अर्थात् :—

- (1) पूर्वोक्त कारखाना, जिसमें कर्मचारी नियोजित है, एक रजिस्टर रखेगा, जिसमें छूट प्राप्त कर्मचारियों के नाम और पदाभिधान दर्जित किए जाएंगे।
- (2) इस छूट के होने हुए भी, कर्मचारी उक्त अधिनियम के अधीन ऐसी सुविधाएं प्राप्त करते रहेंगे, जिनको पाने के लिए वे इस अधिसूचना द्वारा दी गई छूट के प्रवृत्त होने की तारीख से पूर्व संवत् अवधियों के आधार पर हकदार हो जाते हैं,
- (3) छूट प्राप्त अवधि के लिए यदि कोई अभिदाय पहले ही संवत् किए जा चुके हैं, तो वे वापस नहीं किए जाएंगे,
- (4) उक्त कारखाने का नियोजक उस अवधि की बाबत जिसके दौरान उस कारखाने पर उक्त अधिनियम प्रवृत्त था (जिसमें इसमें इसके पश्चात् उक्त अवधि कहा गया है) ऐसी विवरणियां ऐसे प्रह में और ऐसी विधिप्रणियों सहित देगा, जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 के अधीन उसे उक्त अवधि की बाबत देनी थी,
- (5) निगम द्वारा उक्त अधिनियम की धारा 45 की उपधारा (i) के अधीन नियुक्त किया गया कोई निरीक्षक या इस नियमित अधिकृत निगम का कोई अन्य पदधारी—

(i) धारा 44 की उपधारा (i) के अधीन, उक्त अवधि की बाबत दी गई किसी विवरणी की विधिप्रणियों को सत्यापित करने के प्रयोजनों के लिए या

- (ii) यह अधिनियमित करने के प्रयोजनों के लिए कि कर्मचारी राज्य बीमा (संधारण) विनियम, 1950 द्वारा यथा अंग्रेजिन रजिस्टर और अभिलेख उक्त अवधि के लिए रखे गए थे या नहीं, या
- (iii) यह अधिनियमित करने के प्रयोजनों के लिए कि कर्मचारी, नियोजक द्वारा दी गई उन सुविधाओं का, जो ऐसी प्रसुविधाएँ हैं, जिनके प्रतिकूल स्वरूप इस अधिसूचना के अधीन छूट दी जा रही है, नकद और वस्तु रूप में पाने का हकदार बना हुआ है या नहीं, या
- (iv) यह अधिनियमित करने के प्रयोजनों के लिए कि उस अवधि के दौरान, जब उक्त कारखाने के संघ में अधिनियम के उपबंध प्रवृत्त थे, ऐसे किन्हीं उपबंधों का अनुपालन किया गया था या नहीं,

निम्नलिखित कार्य करने के लिए साक्ष्य होना :—

- (क) प्रधान नियोजक या अव्यवहित नियोजक से यह अपेक्षा करना कि वह उसे ऐसी जानकारी दे जो वह आवश्यक समझे, या
- (ख) ऐसे प्रधान नियोजक या अव्यवहित नियोजक के अधिमोग में के कारखाने, स्थापन, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके भारस्थिक व्यक्ति से यह अपेक्षा करना कि वह व्यक्तियों के नियोजन और मजदूरी के संबंध से संबंधित ऐसी लेखा बहियाँ और अन्य दस्तावेज, ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करे और उनकी परीक्षा करने से या वह उसे ऐसी जानकारी दे जो वह आवश्यक समझे, या
- (ग) प्रधान नियोजक या अव्यवहित नियोजक की, उसके अधिकारी या सेवक की या ऐसे किसी व्यक्ति की जो ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में पाया जाए या ऐसे किसी व्यक्ति की जिसके बारे में उक्त निरीक्षक या अन्य पदधारी के पास यह विश्वास करने का युक्तियुक्त कारण है कि वह कर्मचारी है, परीक्षा करना, या
- (घ) ऐसे कारखाने, स्थापन, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखाबही या अन्य दस्तावेज की नकल करना या उससे उद्धरण लेना।

स्पष्टीकरण ज्ञापन :

इस मामले में छूट की भूलसही प्रभाव देना आवश्यक हो गया है क्योंकि छूट के लिए आवेदनपत्र वेर से प्राप्त हुआ था। तथापि, इस छूट की भूलसही प्रभाव देने से किसी भी व्यक्ति के हित पर प्रतिकूल प्रभाव नहीं पड़ेगा।

[एफ. संख्या-एस-38014/40/86-एस. एस.-1]

New Delhi, the 20th April, 1987

S.O. 1207.—In exercise of the powers conferred by section 88 read with section 91-A of the Employees' State Insurance Act, 1948 (34 of 1948) and in continuation of the notification of the Government of India in the Ministry of Labour No. S.O. 1052 dated the 21st February, 1985 the Central Government hereby exempts the regular employees of the registered office of the National Textile Corporation (Madhya Pradesh) Limited, Indore, from the operation of the said Act for the period from 1st October, 1985 upto and inclusive of the 30th September, 1987.

The above exemption is subject to the following conditions, namely :—

- (1) The aforesaid factory wherein the employees are employed shall maintain a register showing the names and designations of the exempted employees ;

- (2) Notwithstanding this exemption, the employees shall continue to receive such benefits under the said Act to which they might have become entitled to on the basis of the contributions paid prior to the date from which exemption granted by this notification operates ;
- (3) The contributions for the exempted period, if already paid, shall not be refunded ;
- (4) The employer of the said factory shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred to as the said period), such returns in such form and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950 ;
- (5) Any inspector appointed by the Corporation under sub-section (1) of section 45 of the said Act, or other official of the Corporation authorised in this behalf shall, for the purposes of—
- (i) Verifying the particulars contained in any return submitted under sub-section (1) of section 44 for the said period ; or
- (ii) ascertaining whether registers and recognised accounts as required by the Employees' State Insurance (General) Regulations, 1950 for the said period ; or
- (iii) ascertaining whether the employees continue to be entitled to benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification ; or
- (iv) ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation to the said factory ;
- be empowered to—
- (a) require the principal or immediate employer to furnish to him such information as he may consider necessary or
- (b) enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found incharge thereof to produce to such inspector or other official and allow him to examine such accounts, books and other documents relating to the employment of persons and payment of wages or to furnish to him such information as he may consider necessary ; or
- (c) examine the principal or immediate employer, his agent or servant, or any persons found in such factory, establishment, office or other premises or any person whom the said inspector or other official has reasonable cause to believe to have been an employee ; or
- (d) make copies of or take extracts from, any register, account book or other document maintained in such factory, establishment, office or other premises.

EXPLANATORY MEMORANDUM

It has become necessary to give retrospective effect to the exemption in this case as the application for exemption received late. However, grant of exemption with retrospective effect will not affect the interest of anybody adversely.

[F. No. S-38014/40/86-SS I]

नई दिल्ली, 21 अप्रैल, 1987

का. मा. 1208.—मैसर्स जे. के. एन्नेयलिस, जे के नगर, कौटा, राजस्थान (आर. जे./3568), (जिसे हमें इसके पश्चात् उक्त स्पष्टीकरण देना गया है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम,

1952 (1952 का 19) जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा (2क) के अधीन छूट दिए जाने के लिए आवेदन किया है ;

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी किसी पृथक् भविष्य या प्रीमियम का सन्दाय किए बिना ही, भारतीय जीवन बीमा निगम की जीवन बीमा स्कीम की सामूहिक बीमा स्कीम के अधीन जीवन बीमा के रूप में जो फायदा उठा रहे हैं वे ऐसे कर्मचारियों की उन फायदों से अधिक अनुकूल है जो उन्हें कर्मचारी निधेय सहस्रक बीमा स्कीम, 1976 (जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन अनुज्ञेय है ,

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (2क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का. आ. 920 तारीख 5-3-1984 के अनुसरण में और इसमें उपाबद्ध अनुसूची में विनिर्दिष्ट शर्तों के अधीन रहते हुए उक्त स्थापन को, 17-3-1987 से तीन वर्ष की अवधि के लिए जिसमें 16-3-1990 भी सम्मिलित है, उक्त स्कीम के सभी उपबन्धों के प्रवर्तन से छूट देती है ।

अनुसूची

1. उक्त स्थापन के सम्बन्ध में नियोजन प्रादेशिक भविष्य निधि आयुक्त राजस्थान की ऐसी विवरणियां भेजेगी और ऐसे लेखा रजिस्त्र तथा निरीक्षण के लिए ऐसी सुविधाएं प्रदान करेगी जो केन्द्रीय सरकार समय-समय पर निर्दिष्ट करे ।

2. नियोजक, ऐसे निरीक्षण प्रभागों का प्रत्येक माम की समाप्ति के 15 दिन के भीतर सन्दाय करेगा जो केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उप-धारा (3क) के खण्ड (क) के अधीन समय-समय पर निर्दिष्ट करे ।

3. सामूहिक बीमा स्कीम के प्रशासन में, जिसके अन्तर्गत योजनाओं का रखा जाना, विवरणियों का प्रस्तुत किया जाता, बीमा प्रीमियम का सन्दाय लेखाओं का अन्तरण, निरीक्षण प्रभागों का सन्दाय आदि भी है, होने वाले सभी व्ययों का वहन नियोजक द्वारा किया जाएगा ।

4. नियोजक, केन्द्रीय सरकार द्वारा यथा अनुमोदित सामूहिक बीमा स्कीम के नियमों की एक प्रति, और जब कभी उनमें संशोधन किया जाए, तब उस संशोधन की प्रति तथा कर्मचारियों की बहुसंख्या की भाषा में उनकी मुख्य बातों का अनुवाद, स्थापन के सूचना-पत्र पर प्रदर्शित करेगा ।

5. यदि कोई ऐसा कर्मचारी, जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापन की भविष्य निधि का पहले ही सदस्य है, उसके स्थापन में नियोजित किया जाता है तो नियोजक सामूहिक बीमा स्कीम के सदस्य के रूप में उसका नाम मुरत दर्ज करेगा और उसकी बोधित आवश्यक प्रीमियम भारतीय जीवन बीमा निगम को सन्दाय करेगा ।

6. यदि सामूहिक बीमा स्कीम के अधीन कर्मचारियों को उपलब्ध फायदे बढ़ाए जाते हैं तो, नियोजक उक्त स्कीम के अधीन कर्मचारियों के उपलब्ध फायदों में समुचित रूप से वृद्धि की जाने की व्यवस्था करेगा जिस से कि कर्मचारियों के लिए सामूहिक बीमा स्कीम के अधीन उपलब्ध फायदे उन फायदों से अधिक अनुकूल हों, जो उक्त स्कीम के अधीन अनुज्ञेय हैं ।

7. सामूहिक बीमा स्कीम में किसी बात के होते हुए भी, यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन सन्दाय रकम उस रकम से कम है जो कर्मचारी की उस दशा में सन्दाय होती जब वह उक्त स्कीम के अधीन होता तो, नियोजक कर्मचारी के विधिक वारिस/नामनिर्देशितों को प्रतिकर के रूप में शर्तों के अन्तर्गत के अवसर तक का सन्दाय करेगा ।

8. सामूहिक स्कीम के उपबन्धों में कोई भी संशोधन, प्रादेशिक भविष्य निधि आयुक्त राजस्थान के पूर्व अनुमोदन के बिना नहीं किया जाएगा और जहां किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो वहां, प्रादेशिक भविष्य निधि आयुक्त, अपना अनुमोदन देने से पूर्व कर्मचारियों की अपनी दृष्टिकोण स्पष्ट करने का व्यक्तिगत अवसर देगा ।

9. यदि किसी कारणवश, स्थापन के कर्मचारी, भारतीय जीवन बीमा निगम की उस सामूहिक बीमा स्कीम के, जिसे स्थापन पहले अपना चुका है, अधीन नहीं रह जाते हैं, या उस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी रीति में कम हो जाते हैं, तो यह छूट रद्द की जा सकती है ।

10. यदि किसी कारणवश, नियोजक भारतीय जीवन बीमा निगम द्वारा नियत तारीख के भीतर प्रीमियम का सन्दाय करने में अयफल रहता है, और पालिसी को व्ययगत हो जाने दिया जाता है तो छूट रद्द की जा सकती है ।

11. नियोजक द्वारा प्रीमियम के सन्दाय में किए गए किसी व्यक्ति-क्रम की दशा में, उन मृत सदस्यों के नामनिर्देशितियों या विधिक वारिसों का जो यदि यह, छूट न दी गई होती तो उक्त स्कीम के अन्तर्गत होते, बीमा फायदों के सन्दाय का उत्तरदायित्व नियोजक पर होगा ।

12. इस स्कीम के अधीन होने वाले किसी सदस्य की मृत्यु होने पर भारतीय जीवन बीमा निगम, बीमाकृत राशि के हकदार नामनिर्देशितों/विधिक वारिसों को उस राशि का सन्दाय तत्परता से और प्रत्येक दशा में हर प्रकार से पूर्ण दावे की प्राप्ति के एक मास के भीतर सुनिश्चित करेगा ।

[संख्या एस-35014/19/84-पी.एफ. 2/एस. एस-2]

New Delhi, the 21st April, 1987

S.O. 1208.—Whereas Messrs J. K. Acrylics, J. K. Nagar, Kota, Rajasthan (RJ/3568) (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees Deposit Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of Section 17 of the said Act and in continuation of the notification of the Government of India in the Ministry of Labour, S.O. 920 dated the 5-3-1984 and subject to the conditions specified in the Schedule annexed hereto the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme for a further period of three years with effect from 17-3-1987 upto and inclusive of the 16-3-1990.

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Rajasthan and maintain such accounts and provide such facilities for inspection as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of section 17 of the said Act within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishments, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Whereas on an employees, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this scheme be less than the amount that would be payable had employees been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme, shall be made without the prior approval of the Regional Provident Fund Commissioner Rajasthan and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium the responsibility for payment of assurance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, shall be that of the employer.

12. Upon the death of the members covered under the Scheme the Life Insurance Corporation of India shall ensure prompt payment of sum assured to the nominee or the legal heirs of the deceased member, entitled for it and in any case within one month from the receipt of claim complete in all respects.

[No. S-35014/19/84-PF, II-SS. II]

का.प्रा. 1209 :—मैसर्स चौ. येन्गेह एण्ड गन्स, 1/ग, राष्ट्रपति रोड, मिहन्दराबाद (ए. पी./1527) (जिसे इसमें इसके पश्चात् उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा 2(क) के अधीन छूट दिए जाने के लिए आवेदन किया है;

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के मन्दाय कर्मचारी किसी पृथक् अभिवाग या प्रीमियम का भरण किए बिना ही, भारतीय जीवन बीमा निगम की जीवन बीमा स्कीम का सामूहिक बीमा स्कीम के अधीन जीवन बीमा के रूप में जो फायदा उठा रहे हैं वे ऐसे

कर्मचारियों को उन फायदों से अधिक अनुकूल है जो उन्हें कर्मचारी निधेय मन्दाय बीमा स्कीम, 1976 (जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन अनुज्ञेय है;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (2क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का. प्रा. 1876 तारीख 22-5-1984 के अनुसरण में और इसके उपावह अनुसूची में विनिर्दिष्ट शर्तों के अधीन रहते हुए उक्त स्थापन को, 9-6-1987 से तीन वर्ष की अवधि के लिए जिसमें 8-6-1990 भी सम्मिलित है, उक्त स्कीम के सभी उपबन्धों के प्रवर्तन में छूट देती है।

अनुसूची

1. उक्त स्थापन के मन्दाय में नियोजन प्रादेशिक भविष्य निधि आयुक्त, आन्ध्र प्रदेश को ऐसी विवरणियाँ भेजेगा और ऐसे लेखा रखेगा तथा निरीक्षण के लिए ऐसी सुविधाएँ प्रदान करेगा जो केन्द्रीय सरकार समय-समय पर निर्रिष्ट करे।

2. नियोजक, ऐसे निरीक्षण प्रभावों का प्रत्येक मान की समाप्ति के 15 दिन के भीतर सन्दाय करेगा जो केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (3क) के खण्ड (क) के अधीन समय-समय पर निर्रिष्ट करे।

3. सामूहिक बीमा स्कीम के प्रणालन में, जिसके अन्तर्गत लेखाओं का रखा जाना, विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का सन्दाय, लेखाओं का अन्तरण, निरीक्षण प्रभावों का सन्दाय आदि भी है, होने वाले व्ययों का बर्तन नियोजक द्वारा किया जाएगा।

4. नियोजक, केन्द्रीय सरकार द्वारा यथा अनुमोदित सामूहिक बीमा स्कीम के नियमों की एक प्रति, और जब कभी उनमें संशोधन किया जाए, तब उन संशोधन की प्रति तथा कर्मचारियों की बहुसंख्या की भाषा में उसकी मुख्य बातों का अनुवाद, स्थापन के सूचना-पट्ट पर प्रदर्शित करेगा।

5. यदि कोई ऐसा कर्मचारी, जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापन की सन्धि विधि का पट्टे हो सदस्य है, उसके स्थापन में नियोजित किया जाता है तो नियोजक सामूहिक बीमा स्कीम के सदस्य के रूप में उसका नाम पुरस्त दर्ज करेगा और उसकी आज्ञा आवश्यक प्रीमियम भारतीय जीवन बीमा निगम को सन्दाय करेगा।

6. यदि सामूहिक बीमा स्कीम के अधीन कर्मचारियों को उपलब्ध फायदे बढ़ाये जाते हैं तो, नियोजक उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध फायदों में समुचित रूप से वृद्धि की जाने की व्यवस्था करेगा जिस से कि कर्मचारियों के लिए सामूहिक बीमा स्कीम के प्रयोजन उपलब्ध फायदे उन फायदों से अधिक अनुकूल हों, जो उक्त स्कीम के अधीन अनुज्ञेय हैं।

7. सामूहिक बीमा स्कीम में किसी बात के होने हुए भी, यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन मन्दाय रकम उस रकम से कम है जो कर्मचारी को उस दशा में मन्दाय होनी जब वह उक्त स्कीम के अधीन होता तो, नियोजक कर्मचारी के विधिक वारिस/नामनिर्वाहियों को प्रतिकर के रूप में दोनों रकमों के अन्तर के बराबर रकम का सन्दाय करेगा।

8. सामूहिक स्कीम के उपबन्धों में कोई भी संशोधन, प्रादेशिक भविष्य निधि आयुक्त, आन्ध्र प्रदेश के पूर्व अनुमोदन के बिना नहीं किया जाएगा और जहाँ किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो वहाँ, प्रादेशिक भविष्य निधि आयुक्त, आन्ध्र प्रदेश के पूर्व अनुमोदन देने से पूर्व कर्मचारियों को आता सूचनाएँ स्पष्ट करने का युक्तियुक्त अवसर देगा।

9. यदि किसी कारणवश, स्थापन के कर्मचारियों, भारतीय जीवन बीमा निगम की उक्त सामूहिक बीमा स्कीम के, जिसे स्थापन पट्टे प्राप्त हुआ

है, अधीन नहीं रह जाते हैं, या उस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी रीति से कम हो जाते हैं, तो यह छूट रद्द की जा सकती है।

10. यदि किसी कारणवश, नियोजक भारतीय जीवन बीमा निगम द्वारा नियत तारीख के भीतर प्रीमियम का सन्दाय करने में अवकल रहता है, और पालिसी को व्यपगत हो जाने दिया जाता है तो छूट रद्द की जा सकती है।

11. निजोयक द्वारा प्रीमियम के सन्दाय में किए गए किसी व्यतिक्रम की दशा में, उन मृत सदस्यों के नामनिर्देशितियों या विधिक वारिसों को जो यदि यह छूट न दी गई होती तो उक्त स्कीम के अन्तर्गत होने, बीमा फायदों के सन्दाय का उत्तरदायित्व नियोजक पर होगा।

12. इस स्कीम के अधीन आने वाले किसी सदस्य की मृत्यु होने पर भारतीय जीवन बीमा निगम, बीमाकृत राशि के हकदार नामनिर्देशित/विधिक वारिसों को उस राशि का सन्दाय तत्परता से और प्रत्येक दशा में हर प्रकार से पूर्ण दावे की प्राप्ति के एक मास के भीतर सुनिश्चित करेगा।

[संख्या एस-35014/41/84-पी.एफ.जी./एस.एस.-2]

S.O. 1209.—Whereas Messrs Ch. Yagnaiah and Sons, 1/A, Rashtrapathi Road, Secunderabad (AP) (AP/1527) (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act).

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution of payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees Deposit Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of Section 17 of the said Act and in continuation of the notification of the Government of India in the Ministry of Labour, S.O. 1876 dated the 22-5-1984 and subject to the conditions specified in the Schedule annexed hereto the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme for a further period of three years with effect from 9-6-1987 upto and inclusive of the 8-6-1990.

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner Andhra Pradesh and maintain such accounts and provide such facilities for inspection as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of section 17 of the said Act within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishments, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Whereas on an employee, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment, the employer shall immediately enrol him as

a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced so that the benefits available under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this scheme be less than the amount that would be payable had employees been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme, shall be made without the prior approval of the Regional Provident Fund Commissioner, Andhra Pradesh and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment or the benefits to the employees under this scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, exemption is liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium the responsibility for payment of assurance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, shall be that of the employer.

12. Upon the death of the members covered under the Scheme the Life Insurance Corporation of India shall ensure prompt payment of sum assured to the nominee or the legal heirs of the deceased member entitled for it and in any case within one month from the receipt of claim complete in all respects.

[No. S-35014/41/84-FPG-SS. II]

का. आ. 1210:—मैसर्स एसिया फाउण्डेशन एण्ड कनस्ट्रक्शन्स लि., 254-डी., डा. ऐनी बसन्त रोड, वैण्ड बोक्स हाऊस, बम्बई-400025 (एम.एच./4803) (जिसे इसमें इसके पश्चात् उक्त स्थापन कहा गया है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) (जिसे इसमें इस के पश्चात् उक्त अधिनियम कहा गया है) की धारा 17 की उपधारा (2क) के अधीन छूट दिए जाने के लिए आवेदन किया है;

और केन्द्रीय सरकार का समाधान हो गया है कि उक्त स्थापन के कर्मचारी किसी पृथक् अभिदाय या प्रीमियम का सन्दाय किए बिना ही, भारतीय जीवन बीमा निगम की जीवन बीमा स्कीम की सामूहिक बीमा स्कीम के अधीन जीवन बीमा के रूप में जो फायदा उठा रहे हैं वे ऐसे कर्मचारियों को उन फायदों से अधिक अनुकूल हैं जो उन्हें कर्मचारी निक्षेप सहबद्ध बीमा स्कीम, 1976 (जिसे इसमें इसके पश्चात् उक्त स्कीम कहा गया है) के अधीन अनुज्ञेय है;

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उपधारा (2क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.आ. 4342 तारीख 22-11-1982 के अनुसरण में और इससे उपाबद्ध अनुसूची में विनिर्दिष्ट शर्तों के अधीन रहते हुए उक्त स्थापन को, 25-12-1985 से तीन वर्ष की अवधि के

लिए जिनमें 24-12-1988 भी सम्मिलित है, उक्त स्कीम के सभी उपबन्धों के प्रवर्तन से छूट देती है।

अनुसूची

1. उक्त स्थापन के सम्बन्ध में नियोजन प्रादेशिक भविष्य निधि आयुक्त, महाराष्ट्र, को ऐसी विवरणियाँ भेजेगा और ऐसे लेखा रखेगा तथा निरीक्षण के लिए ऐसे सुविधाएँ प्रदान करेगा जो केन्द्रीय सरकार समय-समय पर निर्दिष्ट करे।

2. नियोजक, ऐसे निरीक्षण प्रसारों का प्रत्येक मास की समाप्ति के 15 दिन के भीतर सन्दाय करेगा जो केन्द्रीय सरकार, उक्त अधिनियम की धारा 17 की उप-धारा (3क) के खण्ड (क) के अधीन समय-समय पर निर्दिष्ट करे।

3. सामूहिक बीमा स्कीम के प्रशामन में, जिनके अन्तर्गत लेखाओं का रखा जाना, विवरणियों का प्रस्तुत किया जाना, बीमा प्रीमियम का सन्दाय लेखाओं, का अन्तरण, निरीक्षण प्रसारों का सन्दाय आदि भी है, होने वाले सभी व्ययों का वहन नियोजक द्वारा किया जाएगा।

4. नियोजक, केन्द्रीय सरकार द्वारा यथा अनुमोदित सामूहिक बीमा स्कीम के नियमों की एक प्रति, और जब कभी उनमें संशोधन किया जाए, तब उस संशोधन की प्रति तथा कर्मचारियों की बहुसंख्या की भाषा में उसकी मुख्य बातों का अनुवाद, स्थापन के सूचना-पट्ट पर प्रदर्शित करेगा।

5. यदि कोई ऐसे कर्मचारी, जो कर्मचारी भविष्य निधि का या उक्त अधिनियम के अधीन छूट प्राप्त किसी स्थापन की भविष्य निधि का पहले ही सदस्य है, उसके स्थापन में नियोजन किया जाता है तो नियोजक सामूहिक बीमा स्कीम के सदस्य के रूप में उसका नाम तुरन्त दर्ज करेगा और उसकी बाबत आवश्यक प्रीमियम भारतीय जीवन बीमा निगम को सन्दाय करेगा।

6. यदि सामूहिक बीमा स्कीम के अधीन कर्मचारियों की उपरर कायदे बढ़ाये जाने हैं तो, नियोजक उक्त स्कीम के अधीन कर्मचारियों को उपलब्ध फायदों में समुचित रूप से वृद्धि की जाने की व्यवस्था करेगा जिससे कि कर्मचारियों के लिए सामूहिक बीमा स्कीम के अधीन उपरर कायदे उन फायदों से अधिक अनुकूल हों, जो उक्त स्कीम के अधीन अनुज्ञेय हैं।

7. सामूहिक बीमा स्कीम में किसी बात के होने हुए भी, यदि किसी कर्मचारी की मृत्यु पर इस स्कीम के अधीन सन्देह रकम उस रकम से कम है जो कर्मचारी को उस दशा में सन्देह होती जब वह उक्त स्कीम के अधीन होता तो, नियोजक कर्मचारी के विधिक वारिस/नामनिर्देशित को प्रतिकर के रूप में दोनों रकमों के अन्तर के बराबर रकम का सन्दाय करेगा।

8. सामूहिक स्कीम के उपबन्धों में कोई भी संशोधन, प्रादेशिक भविष्य निधि आयुक्त, महाराष्ट्र के पूर्व अनुमोदन के बिना नहीं किया जाएगा और जहाँ किसी संशोधन से कर्मचारियों के हित पर प्रतिकूल प्रभाव पड़ने की संभावना हो वहाँ, प्रादेशिक भविष्य निधि आयुक्त, अपना अनुमोदन देने से पूर्व कर्मचारियों को अपना वृष्टिकोण स्पष्ट करने का एकलपुक्त अवसर देगा।

9. यदि किसी कारणवश, स्थापन के कर्मचारी, भारतीय जीवन बीमा निगम की उस सामूहिक बीमा स्कीम के, जिसे स्थापन पहले अपना चुका है, अधीन नहीं रह जाते हैं, या उस स्कीम के अधीन कर्मचारियों को प्राप्त होने वाले फायदे किसी गति से कम हो जाते हैं, तो यह छूट रह सकती है।

10. यदि किसी कारणवश, नियोजक भारतीय जीवन बीमा निगम द्वारा नियम तारीख के भीतर प्रीमियम का सन्दाय करने में असफल रहता है, और पालिसी का व्ययगत हो जाने दिया जाता है तो छूट रह सकती है।

11. नियोजक द्वारा प्रीमियम के अन्वय में किए गए किया व्ययिकम की दशा में, उन मृत सदस्यों के नामनिर्देशितियों या विधिक वारिसों को जो यदि यह, छूट न दी गई होती उक्त स्कीम के अन्तर्गत होते, बीमा फायदों के सन्दाय का उत्तरदायित्व नियोजक पर होगा।

12. इस स्कीम के अधीन जाने वाले किसी सदस्य की मृत्यु होने पर भारतीय जीवन बीमा निगम, बीमाकृत राशि के हकदार नामनिर्देशित/विधिक वारिसों को उस राशि का सन्दाय नव्वरता में और प्रत्येक दशा में हर प्रकार से पूर्ण दावे की प्राप्ति के एक मास के भीतर सुनिश्चित करेगा।

[संख्या एस-35014/316/82-सी एफ. 2/एस. एस-2]

ए. के. अट्टागई, अवर सचिव

S.O. 1210.—Whereas Messrs Asia Foundation and Constructions Limited, 254-D, Dr. Annie Besant Road, Band Box Touse, Bombay-400025 (MH/4803) (hereinafter referred to as the said establishment) have applied for exemption under sub-section (2A) of Section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act).

And whereas, the Central Government is satisfied that the employees of the said establishment are, without making any separate contribution or payment of premium, in enjoyment of benefits under the Group Insurance Scheme of the Life Insurance Scheme of the Life Insurance Corporation of India in the nature of Life Insurance which are more favourable to such employees than the benefits admissible under the Employees Deposit Linked Insurance Scheme, 1976 (hereinafter referred to as the said Scheme);

Now, therefore, in exercise of the powers conferred by sub-section (2A) of Section 17 of the said Act and in continuation of the notification of the Government of India in the Ministry of Labour, S.O. 4342 dated the 22-11-1982 and subject to the conditions specified in the Schedule annexed hereto the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme for a further period of three years with effect from 25-12-1985 upto and inclusive of the 24-12-1988.

SCHEDULE

1. The employer in relation to the said establishment shall submit such returns to the Regional Provident Fund Commissioner, Maharashtra and maintain such accounts and provide such facilities for inspection as the Central Government may direct from time to time.

2. The employer shall pay such inspection charges as the Central Government may, from time to time, direct under clause (a) of sub-section (3A) of section 17 of the said Act within 15 days from the close of every month.

3. All expenses involved in the administration of the Group Insurance Scheme, including maintenance of accounts, submission of returns, payment of insurance premia, transfer of accounts, payment of inspection charges etc. shall be borne by the employer.

4. The employer shall display on the Notice Board of the establishments, a copy of the rules of the Group Insurance Scheme as approved by the Central Government and, as and when amended, alongwith a translation of the salient features thereof, in the language of the majority of the employees.

5. Whereas an employees, who is already a member of the Employees' Provident Fund or the Provident Fund of an establishment, the employer shall immediately enrol him as a member of the Group Insurance Scheme and pay necessary premium in respect of him to the Life Insurance Corporation of India.

6. The employer shall arrange to enhance the benefits available to the employees under the Group Insurance Scheme appropriately, if the benefits available to the employees under the said Scheme are enhanced so that the benefits available

under the Group Insurance Scheme are more favourable to the employees than the benefits admissible under the said Scheme.

7. Notwithstanding anything contained in the Group Insurance Scheme, if on the death of an employee the amount payable under this scheme be less than the amount that would be payable had employees been covered under the said Scheme, the employer shall pay the difference to the legal heir/nominee of the employee as compensation.

8. No amendment of the provisions of the Group Insurance Scheme, shall be made without the prior approval of the Regional Provident Fund Commissioner, Maharashtra and where any amendment is likely to affect adversely the interest of the employees, the Regional Provident Fund Commissioner shall before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

9. Where, for any reason, the employees of the said establishment do not remain covered under the Group Insurance Scheme of the Life Insurance Corporation of India as already adopted by the said establishment, or the benefits to the employees under this scheme are reduced in any manner, the exemption shall be liable to be cancelled.

10. Where, for any reason, the employer fails to pay the premium etc. within the due date, as fixed by the Life Insurance Corporation of India, and the policy is allowed to lapse, the exemption is liable to be cancelled.

11. In case of default, if any made by the employer in payment of premium the responsibility for payment of assurance benefits to the nominees or the legal heirs of deceased members who would have been covered under the said Scheme but for grant of this exemption, shall be that of the employer.

12. Upon the death of the members covered under the Scheme the Life Insurance Corporation of India shall ensure prompt payment of sum assured to the nominee or the legal heirs of the deceased member entitled for it and in any case within one month from the receipt of claim complete in all respects.

[No. S-35014/316/82-PF, II-SS, II]

A. K. BHATTARAI, Under Secy.

नई दिल्ली, 21 अप्रैल, 1987

का.प्र. 1211.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंगरेनी कोलरी कं. लि., बेगामपल्ली अधिलाबाद जिला (ए.पी.) के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 1-4-87 को प्राप्त हुआ था।

New Delhi, the 21st April, 1987

S.O. 1211.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Singareni Collieries Co. Ltd., Bellampalli, Adilabad District (A.P.) and their workmen, which was received by the Central Government on the 9th April, 1987.

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL) AT HYDERABAD

Industrial Dispute No. 42 of 1985

BETWEEN

The Workmen of Messrs Singareni Collieries Company Limited, Bellampalli, Adilabad District (A.P.)

The Management of Singareni Collieries Company Limited, Bellampalli, Adilabad District (A.P.).

APPEARANCES :

Sarvasri A. K. Jayaprakash Rao, P. Damodar Reddy and K. Vijayakumari, Advocate—for the workmen.
124 GI/87—5.

Sarvasri K. Srinivasa Murthy, H. K. Saigal and Miss G. Sucha, Advocates—for the Management.

AWARD

The Government of India, Ministry of Labour by its Order No. L-22011(43)/84-D.III(B) dated 1st June 1985 referred the following dispute under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 between the employers in relation to the Management of Messrs Singareni Collieries Company Limited, Bellampalli and their workmen to this Tribunal for adjudication :—

"Whether the management of Messrs Singareni Collieries Company Limited, Bellampalli Division, Post Office Bellampalli District Adilabad (A.P.) are justified in denying promotion to Category-V as Lamp Fitters to Sarvasri A. Venkateswara Rao, M. Ramaiah, R. Prabhakar, P. Madhavarao, J. Pakeer, N.V. Satyanarayan and M. Nageshwara Rao, Chargers Safety Lamps Category-III with effect from 1-3-1983? If not, to what relief are the concerned workmen entitled?" Sri N. V. Satyanarayana and M. Nageshwara Rao inserted to the reference (vide Corrigendum No. L-22011(43)/84-D.IIIB dt. 26-4-1985 from Govt. of India, Ministry of Labour, New Delhi.

This reference was registered as Industrial Dispute No. 42 of 1985 and notices were issued to the parties.

2. This is a claims statement filed by the workmen seeking for the action of the Management in denying promotion to the workmen under reference to Category V as Lamp Fitter is justified and grant relief by directing the respondent to pay the difference of pay from 1-3-1983. It is mentioned that the workmen are members of the Petitioner-Union and they espoused the cause of promotion to the Category V which was denied by the Respondent unjustifiedly and illegally to the members of the Petitioner-Union. The Petitioner-Union submit that Category IV was abolished in the Respondent establishment and the workmen who were working in Category III and completed five years of service are eligible for promotion in Category V as Lamp Fitters in the scale of 19-5-0-72-28.14 with effect from 1-6-1983. The avenue of promotion from Category III to Category V is based on seniority. The Management without considering the seniority of the workmen conducted the trade test and the workmen referred in this reference though passed the Trade Test the Management in order to accommodate to their own people to Category V denying the promotion to the workmen referred. The same is justified contrary to law and discriminatory. The Petitioner-Union submits that these workmen were designated in Category IV and the Respondent was extracting the work of Category V. The Petitioner submits that the Respondent further called for interview and conducted Trade test of Category III and Category IV combinedly and denied promotion to the workmen under the reference even though they are discharging the duties of Category V along with them. The Management should not have conducted the trade test combinedly with these workmen under reference were discharging the duties of Cat. V. The Management denied the promotion to these workmen is in act of victimisation and unfair labour practice. It is further mentioned that there are eight clear vacancies of Lamp Fitters in Bellampalli and the same are not filled by the Respondent till date and this would itself establish that the Respondent did not act rational and acted arbitrarily. So they are entitled for promotion to Category V as Lamp Fitters with effect from 1-3-1983.

3. This matter was referred to this Tribunal on 13-6-1985 and the workers Union acknowledged the same and the Management Sri H. K. Saigal wanted time for filing Vakalat on 8-7-1985 Sri A. K. Jayaprakash Rao and Damodar Reddy filed Vakalat for the workmen on 24-12-1985 and Sri Saigal offered to file Vakalat for the Management. On 15-1-1986 Sri K. Srinivasa Murthy, Sri H. K. Saigal and Miss G. Sucha filed Vakalat for the Management. The workers filed claims statement on 17-2-1986 and for counter for the Management it is posted to 27-3-1986. The Management took time from that time onwards for filing counter on 27-3-1986, 2-5-1986, 14-5-1986, 4-6-1986, 11-7-1986, 18-8-1986. On 18-8-1986 Sri Jayaprakash Rao counsel for the workmen

pointed out that the Management took number of adjournments and that they did not file counter. The matter was adjourned on payment of Rs. 50.00 as costs and it is adjourned to 16-9-1986 and it is mentioned that no further time will be given. Since 16-9-1986 is declared Holiday, the matter was called on 17-9-1986 and on that day though the Workmen counsel was present and reported ready, the Management did not file counter in spite of the previous adjournments granted on payment of Rs. 50.00 to the workmen. It is also represented that the costs awarded was not paid. In the said circumstances the case is posted for the evidence of the workmen, if any, to 1-10-1986 as requested by Miss Shailaja, Advocate for the workmen. Even on 1-10-1986 and 15-10-1986 the Management was not ready and there was no representation. Finally the Workers Union filed M. P. No. 459/86 on 3-12-1986 stating that the Management did not file counter and did not pay the cost in the above industrial dispute and the General Secretary of the Union is present for giving evidence and as there is no representation even on the side of the Management since the long time they wanted the Management to set exparte and they should be allowed to lead evidence in the interest of justice. Again this Tribunal had occasion to order that it is an old matter and the Management was directed to pay cost as ordered previously and to file counter; if any, if these directions are not complied it is deemed that they have no counter to offer and they will be set exparte and the workers evidence will be recorded. In fact notice was ordered to be given to the Management in the main case.

4. On 20-12-1986 when the matter is posted it is found that the notice, was served on the Executive Director, Singareni Collieries Company Limited, Bellampally and acknowledged by him and they did not file counter in spite of sufficient time given to him. Hence, the evidence of the workman W.W1 and Exs. W1 is marked. Again the matter was adjourned to 3-2-1987 after two more adjournments and there is no representation for the Management and the counsel of the Management was not also present on any occasion after 18-8-1986 and W.W2 is examined and Ex. W2 is marked. Workmen evidence, is closed. It is posted for managements evidence, if any, and arguments to 28-2-1987. On 28-2-1987 the Workers Counsel was present and the Management and its counsel called absent and there is no representation on their behalf. The arguments of the Workmen counsel were heard and for management arguments, if any, it is posted to 2-3-1987. On 2-3-1987 also as the Management was called absent and as there was no representation, the Management arguments was treated as nil and reserved for award.

5. W.W1 is one J. Durgaiyah is President of the Singareni Minerals and Engineering Workers Union Ramakrishnamur. He is the General Secretary of the Singareni Collieries Mines and Engineering Workers Union. He deposed that all the names mentioned in the reference are workers and also members of their Union. According to him their Union put on a dispute regarding the promotion from Category III to V with effect from 1-3-1983 and these workmen are working as Charger Safety Lamps Category III since 1979. The next promotion for which they are eligible is Category V as Lamps Fitter. There is no category IV in between but these five workers are shown to be promoted as Category IV as Lamp Room Attender but there is no post of Lamp Room Attender since 1979 as the said posts are abolished. He also filed an office Order dt. 21-3-1983 stating that they were placed and designated as Lamp Room Attender and they will attend to repairs and maintenances of safety lamp in addition to their normal work as C.S.L. It is marked as Ex. W1. The promotion from Category III to Category V is based upon seniority. About 36 who were juniors to these petitioners in Category III as Chargers Safety Lamps were promoted to Category V in the year 1979 and 1980 in two batches. According to him the category IV persons will draw Rs. 2.00 less per day than the Category V workers. The Category IV and Category V workers will do the same work. Both will attend to the repairs and maintenance of safety lamps and also attend as attenders of lamps. According to him after the trade test Category IV works whom they called Lamp Room Attender including the petitioners were overlooked and Category III Charger Safety lamps were promoted to Category V as Lamp Fitters to the detriment of the Fitters. It is further mentioned that there are vacancies for the post of Lamp Fitters in Category V even now. According to him the Trade test

was conducted in 1982 and instead of giving the petitioner the promotion to Category V they were promoted to Category IV from 1-3-1983 instead of promoting them to Category V from 1-3-1983 and the matter was referred to this Tribunal on 13-6-1983 and the Management took five months after notice and they did not file any counter. While the Union filed claims statement on 14-2-1986. It is also pointed out that the Management did not file counter and did not represent in the Tribunal and the Tribunal also issued final notice calling upon the Management to file its counter by the said date when he deposed and as there was no representation from the Respondent-Management their evidence was taken in the given circumstances on the basis of their memo after it is allowed.

6. W.W2 is one M. Ramaiah who is the Lamp Room Attendant working since five years. According to him he is working as Category IV. Lamp Room Attendant and he should have been in Category V. He asserted that Category IV is actually abolished in the Respondent-establishment and he is attending to the duties of Lamp Fitters of Category V since five years. He also filed office orders showing the appointment to Category IV along with six others as per Ex. W2. He also filed to show that some juniors were promoted to Category V from 1-6-1983 as per Ex. W3. According to him J. Sudharshan Reddy, Seshagiri Rao, David Joseph are some of the juniors who are promoted. He deposed that he passed H.S.C. and get experience for five years and put in total period of 13 years service. He also asserted that there are Lamp Fitters vacancy in Bellampalli Division. He also mentioned that just like him other persons referred on this petitioner are entitled to Category V as Lamp Fitter and they are all seniors and they also officiated as Lamp Fitter and they have given acting allowance in Category V but not regular pay of Category V with effect from 1-6-1983. Therefore he prayed that they are entitled to Category V from 1-3-1983 when their juniors were promoted as Lamp Fitters. According to him after N.C.W.A. III basic wage is revised to Rs. 26.14 ps. per day and there are ten vacancies of Lamp Fitters in Bellampalli Division. There was no cross-examination.

7. It is interesting to note when the matter was referred to this Tribunal was received on 13-6-1985 for adjudicating the matter. Having received the notice by 8-7-1985 the Management did not come forward with any counter after taking number of adjournments till 11-7-1986 and on 18-8-86 when the counsel for the workmen represented that even after repeated adjournments granted the Management was not filing the counter. Time was extended for filing counter on payment of Rs. 50.00 by 16-9-1986 even thereafterwards there was no representation for the Management and the matter was adjourned from time to time till 2-3-1987 for about another six months and the Management did not come forward and counsel who filed the Vakalat did not choose to come before this Tribunal for the best reasons known to themselves. In fact when the workers filed M.P. No. 459/86 the order was passed by this Tribunal if they do not file counter it will deemed that they have no counter to offer and the next step namely they will be set exparte and the workers evidence will be recorded. Notice was also ordered to be given to the Management and the notice was also acknowledged by the Management which is part of the record in spite of there was no representation and no counter is filed. Hence the workers evidence was recorded.

8. The claims statement as well as the evidence of workers W.W1 and W.W2 as well as documents Ex. W1 to W3 would show that there is no Category IV since 1979 in the Respondent-establishment and some of the juniors as per Ex. W3 were promoted to Category V while these people were having experience of five years and discharging the duties of Category V Lamp Fitters. It is also their case that they were paid acting allowance and instead of giving them regular pay of Category V their juniors as per Ex. W3 were promoted from 1-6-1983. So they demanded that they should be given Category V from 1-3-1983 as they were appointed to Category IV which was non-existent from 1-3-1983 though they have passed the Trade Test and they were senior to them. They asserted that it is discriminatory and denial of promotions to them amounted to victimisation and unfair labour practice. If they did not pass the Trade Test the

question of promoting these workmen from Category III to Category IV did not arise and when Category IV posts are abolished it is surprising that these seven persons (two more persons were inserted subsequently as per the reference communication which was received on 26-4-1985 from Govt. of India, Ministry of Labour, New Delhi), from whom they were extracting the work of Lamp Fitters of Category V should be fixed in Category IV as per Ex. W2. The same is discriminatory. Infact Ex. W1 would show that these persons were designated as Lamp Room Attendants and they were asked to attend to the repairs and maintenance of safety lamps in addition to their normal work as per Ex. W1, and it is mentioned that 36 juniors were promoted from Category III which is known as Charger Safety Lamps to Category V in the year 1979 and 1980 in two batches and these seven people were kept in Category V and getting also acting allowance. This is quite discriminatory and on the basis of Exs. W1 to W3 as well as averments of witnesses W.W.1 and W.W.2 it is clearly established that the Management could not file any counter even after repeated notices to them denying these averments in the claims statement or come forward to cross examine W.W.1 and W.W.2 though they are represented by a standing counsel.

9. Thus, on a careful consideration of the entire material, I hold that the Management of Messrs. Singareni Collieries Company Limited, Bellampally Division, Post Office Bellampally District Adilabad (AP) is not justified in denying promotion to category V as Lamp Fitters to Sarvasri A. Venkateswara Rao, M. Ramaiah, P. Prabhakar, P. Madhavarao, J. Pakeer, N. V. Satyanarayana and M. Nageshwar Rao, Chargers Safety Lamps Category III with effect from 1-3-1983 and they are entitled to the benefit of Category V as Lamp Fitters with all other attendant benefits from 1-3-1983.

Award is passed accordingly.

Dictated to the Stenographer, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 5th day of March, 1987.

Industrial Tribunal

Appendix of Evidence

Witnesses Examined
for the Workmen :
W.W1 J. Durgaiah
W.W2 M. Ramaiah

Witnesses Examined
for the Management :
NIL

Documents marked for the Workmen

- Ex. W1—True Copy of the Office Order dt. 21-3-83 issued to A. Venkateswara Rao and 14 others by the Executive Director, S.C. Co. Ltd., Bellampally with regard to Category IV.
- Ex. W2—True Copy of the Office Order dt. 21-3-83 issued to A. Venkateswara Rao and 14 others by the Executive Director S.C. Co. Ltd., Bellampally with regard to Category IV.
- Ex. W3—True Copy of the promotion order dt. 22-6-83 issued to E. Mallesh and 23 others by the Executive Director, S. C. Co. Ltd., Bellampally.

Documents marked for the Management
NIL

Dated : 10-3-87.

J. VENUGOPALA RAO, Industrial Tribunal
[No. L-22011/43/84-D-III(B)]

का.प्र. 1212.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, वेस्टर्न कोलफील्ड्स लि. की बंकी कोलियरी, जिला बिलासपुर (म.प्र.) के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, प्रमुख में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक प्रधिकरण, जबलपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-4-87 को प्राप्त हुआ था।

S.O. 1212.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Banki Colliery of Western Coalfields Ltd., District Bilaspur (M.P.) and their workmen, which was received by the Central Government on the 9th April, 1987.

BEFORE SHRI V. S. YADAV, PRESIDING OFFICER,
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(54) of 1985

PARTIES :

Employers in relation to the management of Banki Colliery of Western Coalfields Limited, District Bilaspur and their workman Shri Ganesh Prasad, Safety-cum-Production Assistant of Banki Colliery represented through the General Secretary, Chattishgarh Khadan Karkhana Mazdoor Union, Bankimongra, District Bilaspur (M.P.).

APPEARANCES :

For Union—Shri Rambilash Shobhnath.

For Management—Shri P. S. Nair, Advocate.

INDUSTRY : Coal Mining. DISTRICT : Bilaspur (M.P.)

AWARD

Dated, March 31, 1987

This is a reference made by the Central Government in the Ministry of Labour vide Notification No. L-22012(58)/83-D.III(B)/D.V dated 26th June, 1985 for adjudication of the following dispute as mentioned under the Schedule to the reference order :—

“Whether the action of the management of Sub-Area Manager, Banki Colliery of Western Coalfields Limited in retiring Shri Ganesh Prasad, Safety-cum-Production Assistant of Banki Colliery from service with effect from 5-10-1982 is justified? If not, to what relief the workman is entitled?”

2. The facts which are no longer in dispute are that the workman, Shri Ganesh Prasad, was appointed at Banki Colliery in the capacity of Mining Sirdar. His date of birth, however, is recorded in his certificate issued under the Mines Act as 5-10-1922 and date of birth as per his service sheet and B Form Register is 7-4-1932. The management taking his correct date of birth as 5-10-1922 retired him vide order dated 21-9-1982 with effect from 5-10-1982.

3. The workman challenged his superannuation on the ground that his correct date of birth is 7-4-1932 as has been recorded in his School Leaving Certificate, service record and B Form Register. First entry in his certificate issued under the Mines Act is not correct. It could have been a typing mistake. In any case it is a document on the basis of which the question of his age should be decided.

4. The management insisted on its stand and stated that if his date of birth recorded in the certificate issued under the Mining Act was not correct he should have got it correct. In fact he had himself given the date of birth for the purpose of that certificate.

5. In support of his case the workman gave his own affidavit dated 24-7-1985, Medical Certificate of Chief Medical and Health Officer, Bilaspur (Ex. W/1), his retirement order (Ex. W/2), his representation (Ex. W/3), minutes of conciliation proceedings (Ex. W/4) and his School Leaving Certificate dated 30-9-73 (Ex. W/5) which is proved by his affidavit. The Medical Certificate Ex. W/1 states that his age as on 5th July, 1985 clinically is 5-3-1954. On the other hand, management has examined Shri M. B. Mathur, Sub-Area Manager, who has stated that Mining Sirdar's certificate (statutory) certificate gives his date of birth as 5-10-22. Therefore he has been retired at the completion of 60 years from that date. In this connection, it is pertinent to note

that none of the parties have filed the Mining Sirdar's Certificate. The only certificate which is on record gives his date of birth as 5th October, 1922 (Ex. W/0) i.e. Gas Testing Certificate issued under Mines Act of which the registration no. is 10,620. Now Shri M. B. Mathur has that on retirement Gas Testing Certificate and Mining Sirdar's Certificate were returned to the workman and his receipt was obtained which is Ex. M/2. In this connection, it is important to note that this receipt Ex. M/2 dated 17-11-1982 is with respect to Gas Testing Certificate and First Aid Certificate and not the Mining Sirdar's Certificate. In this connection, it is also pertinent to note that the workman was retired vide letter dated 15/21-9-82 which refers to a certificate issued to the workman by the Mines Department vide Certificate No. 10,620 dated 1st October, 1966. It is the certificate which was made the basis of his age. This certificate no. 10,620 is the number of Gas Testing Certificate and not of Mining Sirdar. Therefore the statement of Shri M. B. Mathur that his statutory Mining Sirdar Certificate was made the basis does not appear to be correct. Therefore it appears to be non-existence or at least that the management's receipt Ex. M/2 goes to show that in fact Mining Sirdar's Certificate was not returned to him but the Gas Testing Certificate and First Aid Certificate.

6. In this regard, it is also material to note that the Service Register, copy of which is Ex. M/3, and Form B Register Ex. M/4, go to show that his date of birth as recorded on 16-11-1968 was 7-4-1932. It is an admitted position, as is admitted, from conciliation proceedings Ex. W/4 also. Thus the overwhelming evidence appears to be in favour of workman's correct date of birth being 7-4-1932 instead of 5-10-1922 recorded in Ex. W/6. Ex. W/6 appears to have been prepared on 1st October, 1966 and the possibility that it may be a slip of pen or at that time applicant workman did not produce any record in support of his date of birth.

7. In any way, there is on record the instructions of J.B.C.C.I. dated 5th February, 1981 (Ex. W/7) which says that wherever there are variations a suitable provision of age determination—Medical Board's would be made by the management which may consider the evidence available and adduced by the party and decided the issue which shall be binding and final. No such duty was situated in the instant case by the management therefore also the exparte decision of the management without giving him opportunity to workman to establish his age is unfair and against the natural justice as has been held in 1967-II-LJ p. 266 and Sarju Prasad Vs. G. M. and another 1981 (43) FLR 408. I accordingly answer the reference as under:—

That the action of the management Sub-Area Manager, Banki Colliery of Western Coalfields Limited in retiring Shri Ganesh Prasad, Safety-cum-Production Assistant of Banki Colliery from service with effect from 5-10-1982 is not justified. The workman be reinstated forthwith and he will be deemed to have continued in service till so reinstated. It will, however, be open to the management if it so desires and considers it necessary to hold an enquiry as per the instruction of the J.B.C.C.I. after giving him notice and an opportunity to produce his evidence. For this purpose as per instructions of the J.B.C.C.I. management must constitute a Committee to determine the correct date of birth of the workman. The management will also pay him all his back wages and other ancillary reliefs with effect from 6-10-1982 till a final decision is taken about the date of his birth. No order as to costs.

V. S. YADAV, Presiding Officer
[No. L-22012/58/83-D.III(B)/D.V.]

नई दिल्ली, 27 अप्रैल, 1987

का.अ. 1213:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सिंगरेनी कोलीयरी कम्पनी लि., मन्नामरी विभाग, भाविलाबाद जिला (मध्य प्रदेश) के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निम्नलिखित औद्योगिक विवाद में औद्योगिक प्रतिक्रिया, हैदराबाद के पत्र/ट 1 प्रकाशित करती है, जो केन्द्रीय सरकार को 14/4/87 को प्राप्त हुआ

New Delhi, the 27th April, 1987

S.O. 1213.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the Industrial dispute between the employers in relation to the management of Singareni Collieries Company Limited, Mandamarri Division, Adilabad Distt. (A.P.) and their workmen, which was received by the Central Government on the 14th April, 1987.

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL) AT HYDERABAD

Industrial Dispute No. 96 of 1984

BETWEEN :

The Workmen of M/s. Singareni Collieries Company Ltd.,
Mandamarri Division, Adilabad District. A.P.,

AND

The Management of M/s. Singareni Collieries Company
Limited, Mandamarri Division, Adilabad District, A.P.

APPEARANCES :

Sarvasri V. Venkata Ramana, V. Srinivasa and Y. Ramalinga Reddy, Advocates for the Workmen.

Sri K. Srinivasa Murthy and Miss G. Sudha, Advocates
for the Management.

AWARD

The Government of India, Ministry of Labour, by its Order No. L-22012/34/84-D.III(B) dated 23-11-1984 referred the following dispute under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 between the employers in relation to the management of Messrs. Singareni Collieries Company Limited, Mandamarri Division and their Workman to this Tribunal for adjudication :

"Whether the action of the management of Singareni Collieries Company Limited, in not confirming sarvasri Jupaka Lingaiah Sabayath Chandru, Avunuri Mallaiah, Arakonda Komariah, Durgam Rajam, Kankam Mallaiah and Kamera Bapur, General Mazdoors in Category I of Kalyankhani stores who were appointed with effect from 16-8-81, and also in terminating their services with effect from 19-4-1984 during the pendency of the dispute in conciliation is justified? If not, to what relief are they entitled?"

This reference is registered as Industrial Dispute No. 96 of 1984 and notices were issued to the parties.

2. The claims statement filed by the Workmen it is mentioned that the seven General Mazdoors were appointed on 16-8-1981 at Kalyani Khani Stores as Badli by the Singareni Collieries Authorities and that from 16-8-1981 they were given Category I wages since they are working in clear existing vacancies as Stores General Mazdoor continuously without any break of service. Though they were only shown as badli workers. It is also pointed out that they were never substituted in any leave vacancies for working in Category I and therefore, the nomenclature badli workers has no meaning and they are only working stores general mazdoor on Category I wages continuously. So it is mentioned that they should be confirmed by the Management in the existing clear vacancies and the Management is unnecessary delaying the matters. It is their case that they lost two annual increments due to this non-confirmation and they also lost two additional increments which are applicable as per J.B.C.C.I.—III. It is pointed out that the Stores authorities recommended these seven workmen as Stores General Mazdoor Category I wages and forwarded them to Additional Chief Mining Engineer for confirmation. Even then confirmation office order was not given for months together. Thus they were forced to raise a dispute and after the conciliation discussions the Management representative agreed to pay Leave with pay, Casual Leave, Sick leave and asked some time for confirmation and Annual increments. The matter was adjourned till 29-1-1984 afterwards the proceedings were conducted and

the Management took several adjournments. While the proceedings were pending conciliation, the Management terminated illegally the seven workers for three days from 27-2-1984. Later on temporary basis for two months they were taken back. Even before the two months period was completed they were terminated for five days from 1-4-1984. Again on temporary basis for two months they were taken back on 6-4-1984. Again this time also before completion of two months period the Management terminated the seven workers from service itself on 19-4-1984 illegally and forcibly. Thus after the conciliation proceedings ended in failure the matter referred to this Tribunal for adjudication. One Sri Durgam Jaggaiah, Shaik Naser who were appointed in the year 1982 and juniors than these disputed seven workers were given General Mazdoors in the same Stores and Sri Jandia Jhon and other nine badli workers who are juniors also given as General Mazdoors at Kalyani Khani 5 CSP in the same division. This is unfair labour practice. So all the workers request that the termination must be set aside with effect from 19-4-1984, they should be reinstated to duty with back wages and they should be confirmed with retrospective effect and all attendant benefits.

3. The Management filed a counter stating that the reference is made illegal. What is the number of workmen who should have a particular cadre is purely Management's functioning. There cannot be an industrial dispute regarding the fixation of employment of workmen. Badlies' cadre are maintained to cover heavy absenteeism i.e. more than the normal. They work during leave vacancy and not in permanent posts. Because of heavy absenteeism which is a common feature of the categories of employees, badlies are engaged and they are made permanent as and when regular vacancies arise. If all the badlies are made permanent the strength will be more than that is required. The first three persons namely Jupaka Lingaiah, Sabhavat Chandru and Arunoori Mallaiiah were as badli workers from 10-8-1981 while the rest four namely Erukonda Komariah, Durgam Rajam, Kanakam Mallaiiah and Kamra Bapu were working from 16-8-1981. The badli as per the Company's Standing Order No. 2(f)(iii) is 'A' 'Badli' or 'Substitute' is one who is appointed in the post of a permanent employee or probationer who is temporarily absent. The Petitioners are also working as badlies. It is nowhere mentioned in the Standing Orders of the Company that the workmen who are working continuously for three months should be confirmed. The regularisation of the badlies depend on seniority and availability of vacancies. Accordingly badlies are made permanent from time to time. The Scheme of badlies is introduced in Collieries to meet the exigency of work and need of extra man power as Colliery work need not be hampered. So badlies are not covered under the definition of permanent employees nor they are entitled to claim any rights on par with permanent employees muchless the alleged increments claimed in the claim petition. It is not correct to allege that the workmen in dispute are working continuously without any break of service and the petitioners are put to strict proof of the same. It is also incorrect to say that as per the Standing Orders the Management has to confirm the services of the workmen in the dispute. Whereas they are badlies the question of annual increments did not arise. On the representation of the Union it is agreed to grant benefits like leave, LTC., etc. to Badlies as per the settlements arrived from time to time by the Management with the Unions and the said settlements are binding on the claimants and the Union espousing the cause. Whenever there is no work at one place, the badlies are disempannelled at such place and empannelled at the other place where there is a chance of their getting work. This sort of disempannelment is not treated as termination. In the instant case also the workmen are disempannelled at Stores, Mandamarri and empannelled at SMG. 1 Incline. Further they are disempannelled at Stores to give way to aged and workmen more service to work at Stores. As stated by the Union Sri Shaik Naser who was appointed in the year 1982 was made General Mazdoor. The dispute is totally incorrect. Sri Naser was working in the underground mine for more than 10 years and was found unfit for underground work medically and hence he was provided surface job in the stores as badli and later regularised as General Mazdoor. Durgam Jaggaiah was appointed as Temporary General Mazdoor before his transfer to the Stores. Mandamarri and later he was made General Mazdoor. The other cases Sri T. John and others cited by the Union

are also different and they were working at Coal Screening Plant and basing on the vacancies they were made permanent at Coal screening Plant. Thus the management did not resort to any unfair labour practices. The Management never terminated the services of the petitioner workmen and they were only disempannelled and empannelled basing on work in other places. They are extended benefits of leave, sick leave, casual leave, house rent, L.T.C., L.L.T.C. Transport subsidy etc. For the above reasons, the Respondent prays that the Hon'ble Tribunal may be pleased to dismiss the petition.

4. The matter was referred to this Tribunal on 1st December, 1984 and it was registered as Industrial Dispute No. 96 of 1984 and the same was acknowledged by both parties. Sri K. Srinivasan Murthy and Miss G. Sudha filed vakalat for the Management on 31st December, 1984 and they took time for counter till 16th January, 1985. The Management filed counter on 5th February, 1985. On 29th March, 1985 as the workman and their representative were not present on two occasions the reference was terminated. On 26th June, 1985 the workmen filed M.P. No. 121/85, and after giving notice to the Management and as the Management reported no objection restored the matter on file, petition is allowed. Then Sri V. Venkatramana and V. Srinivasa and others filed vakalat for the workman. The matter was posted to 1st July, 1985 finally stating that the matter will be disposed of on merits. On 1st July, 1985 though the Tribunal waited upto 5.30 p.m. as there was no petition filed as represented earlier by Sri V. Srinivasa as per the orders mentioned on 26th June, 1985. It is mentioned that the petition stands dismissed. Miss G. Sudha for the Management was present on that date. Again the worker filed M.P. No. 401/85 on 17th July, 1985. The notice was received by the other side on the same date. But the matter was not brought to the notice of the Tribunal till 25th November, 1985 and on 25th November, 1985 when Sri Ramlinga Reddy brought to the notice of the Tribunal in the presence of Miss G. Sudha for the Management who took notice on 21st January, 1986 and that day Sri Nagaiah Reddy, Trade Unionist was present and he mentioned that he really felt sorry for the delay and expressed that he would not commit such mistakes in future, and having considered the objections of the Management counsel having regard to the previous history and the matter has to be decided on merits, with reference to industrial dispute, the petition was allowed on payment of Rs. 100.00 as costs and costs were also received by the counsel for the Management endorsed to that effect. In the said circumstances the petition is allowed. Finally on 18th February, 1986 the workmen examined W.W.1, W.W.2 and W.W.3 in chief and marked Exs. W1 to W6. Miss G. Sudha for the Management present and prayed for adjournments. Hence the matter was adjourned to 26-1-1986 for cross examination of W.W.1 to W.W.3. On 16-4-1986 when the matter was posted for cross examination WW1 to WW3 are not present. As on the previous occasion the Presiding Officer was on leave. Finally on 24-4-1986 both counsel present W.W.1 to W.W.3 were not present and they were directed to be present on 8-5-1986. On 8-5-1986 Sri K. Srinivasa Murthy counsel for the Management is present and ready. But Sri V. Venkatramana as well as W.W.1 to W.W.3 were present. It is adjourned to 28-5-1986. On 28-5-1986 the workers W.W.1 to W.W.3 were not present and Sri Nagaiah Reddy for the workers present and wanted adjournment on the ground that in other cases they are ready. On 18-6-1986 Counsel for the workmen present, WW1 to WW3 were not present. Counsel for the management present and ready. On 24-7-1986 WW1 is cross examined by the Management counsel and Exs. W7 and M1 are marked. It is posted for cross examination of W.W.2 and W.W.3 till 13-8-1986. From there it is adjourned till 17-9-1986. On 17-9-1986 it is mentioned that the Management personnel informed that they are not being heard in this court that due to the writ filed in the High Court by the Management and workmen cancelled their journey and stayed back and requested for adjournment.

5. Finally on 1-10-1986 the Management filed M.P. No. 361 of 1986 stating that the Management had filed W.P. No. 12225/86 in the High Court and therefore that no further proceedings should be taken up. On 29-10-1986 a Memo M.P. No. 424/86 is received by post at 12:40 P.M. from the General Manager, Mandamarri stating that in view of the petition filed in I.D. No. 41/85 they are deferring the

matter in this case as they are moving application for transfer of all their cases from this Tribunal to another Tribunal. Both M.P. Nos. 361/86 and 424/86 were called on 6-11-1986. In view of the orders passed on 4-9-1986 in M.P. No. 2/80 in I.D. No. 41/85 it is observed "all or any of the matters pending before me in which Miss G. Sudha is representing Sri K. Srinivasa Murthy as Management counsel or where both of them appear together for Management cannot be stayed on such frivolous petitions. This petition is therefore rejected. All the matters will be proceeded according to law. Further it is pointed out that no stay orders were received in this matter staying or transferring this from any higher authority. It is also worth noting that W.P.M. No. 15951/86 filed by the Management in W.P. No. 12225/86 was rejected by the High Court observing "I find that the Management is adopting a non-cooperative attitude in the trial of this case by the Tribunal. I order that it should desist from doing so." Hence the petition filed by the Management was rejected. So a notice was issued to both sides stating that in case WW2 and WW3 are present for cross examination their evidence will be eschewed. Similarly Management is also given notice to cross examine them if they are present and if they do not cross examine them the next step will be ordered. So both parties were issued notice and they were acknowledged by them. Then the General Manager, Bellampalli, Adilabad District sent a Memo M.P. No. 477/86 stating that they are moving for transfer of all their cases from this Tribunal to another and the Company is not prepared to proceed with any of the matter for want of confidence and defer all matters including this industrial dispute. Sri B.H.V. Ravi, Advocate on behalf of Sri V. Venkatramana, counsel for the workmen present. A counter was filed for the workmen on 3-2-1987 after submitting it to the Management, wherein it mentioned that there is no relevancy between I.D. No. 41 of 1985 and the above case till that date no steps were taken by the Management to affect transfer of this industrial dispute to other Court and stay further proceedings in this case and this petition is only to prolong I.D. No. 96/84. Therefore they wanted the position to be dismissed. In the said circumstances the said petition was rejected, holding that on such frivolous petition matters cannot be deferred and also giving reasons. In the said circumstances the cross examination of W.W2 and W.W3 is treated as closed. Counsel for the workmen mentioned that the Management is not cross examining W.W2 and W.W3 is treated as closed. Counsel for the workmen mentioned that the Management is not cross examining W.W2 and W.W3 from 18-2-1986 till that date and therefore they have no further evidence and opposed granting further adjournments to the Management and mentioned that the workers evidence is closed. As there is no representation from the Management and none were present including their counsel the evidence of workman is treated as closed and similar evidence of the management is also treated as closed. It is posted for arguments to 17-2-1987. On 17-2-1987 though the workers counsel were ready the matter is adjourned to 24-2-1987 and it is adjourned to 25-2-1987. On 28-2-1987 both parties and their counsel were absent and there is no representation on their behalf and no arguments were advanced on both sides in spite of the fact that sufficient time was given to them, and reserved for Awards.

6. As is mentioned earlier on two occasions as per Order M.P. No. 121/85 and also as per Orders in M.P. No. 401/85 the termination of reference was restored to file due to the laches on the part of the workman. Though the Management cross examination W.W-1 and Ex. W-1 to W-6 and W-7 were marked thereafter WW-2 and WW-3 evidence in chief is treated as closed as the Management did not cooperate in spite of the fact that the High Court was pleased to observe in W.P. M.P. No. 15951/86 and W.P. No. 12225/86 dt. 1-10-1986 "I find that the Management is adopting a non-cooperative attitude in the trial of this case by the Tribunal. I order that it should desist from doing so" for getting the matters transferred and they are taking steps. In fact there was no information made available to this Tribunal, that they are moving an application in this case or any other case for transfer by tangible material placed before this Tribunal from 4-9-1986 till 28-2-1987. It is evident that the Management was not representing through their Counsel and the Management was not prepared to take any steps to proceed further except

stating that they are moving for transfer which is as vague as any thing. Nearly five months passed from 4-9-1986 and no steps indicating either stay or intimating that a particular petition was filed for transfer was ever filed in this Tribunal stating that superior is prejudiced in this matter. This is a clear case of non-cooperation and this is a clear case where even High Courts directions that they should desist from filing such petitions is violated. The Management for best reasons known to themselves are adopting dilatory tactics.

7. The evidence of W.W1 is there available fully cross examined. It showed that he is the President of Bandli Coal Mines Labour Union and these workers were appointed on 10-4-1981 at Ballykumbhari Stores as Badli workers and they are working in clear existing vacancy continuously without any break in service though they are styled as Badli workers. According to him they are paid daily wages on Category 1 basis. According to him as per the standing Orders of the Company if a workman continuously works for a three months in clear vacancy he should be confirmed in the post in which he is working and these workers are not confirmed by the Management in spite of the fact that they have been continuously working for more than three years as General Mazdoor. He also mentioned as per the Wage Agreement N.C.W.A. III there are three increments from 1982 onwards and the Union was representing the matter to the Management and the management agreed to provide leave benefits, sickness benefits and wanted time to confirm them. In fact the counter filed by the Management would also show that these workers are extended benefits of leave sick leave, casual leave, House rent, L.T.C., L.L.T.C., Transport subsidy etc. According to W.W1 the Management representative has stated during the conciliation proceedings stated that they are unable to help further as the top management of Management is adamant This conciliation proceedings failed. According to him the same is in violation of Section 25-F and Chapter 5-C and they were not given any termination notice or termination compensation at the time of their termination and they have obtained from the Management for such termination also. Thus all these workers are entitled to be reinstated with back wages and they are also entitled to be confirmed as General Mazdoor with all attendant benefits. He pointed out that in C.S.P.K.K 5 Incline the Management confirmed the services of 12 general mazdoors who were initially appointed as badli workers, while the same was denied to these workmen. He filed Ex. W1 to show that he made representation seeking confirmation of these workers. Ex. W3 Ex. W2 is the minutes of discussions held on 17-1-1984. Ex. W3 is the letter dated 19-4-1984 by the Union complaining of the termination of the workers to the Conciliation Officer. Ex. W4 is another termination of the Union to the Conciliation Officer regarding termination of seven workers Ex. W5 is the minutes dated 25-5-1984 wherein it was recorded that the higher Management is not agreeing for these demands of the workers and Ex. W6 is a report of conciliation. He denied that these workers are badli workers. He asserted that they are general mazdoors. According to him the pay-sheets are available with the Management and they are not filed by the Management. According to him as the work of general mazdoor is extracted from them merely showing them as badli workers will not alter their status. According to him these workers are working as General Mazdoors in clear vacancies. He conceded that it is a fact that the Bandli workers will work in the place of a permanent workers when he is absent and they will not come under the definition of permanent employee. But he denied that the rights of badli workers and permanent workers are different. He asserted that they are working in clear vacancies as general mazdoor and he has got personnel knowledge. But as President of the Union he used to go now and then. According to him Ex. W2 is conciliation proceedings. The Management conceded on some of these aspects in the minutes of discussions. He denied the statement Ex. M1 as not correct and true and said that he will not accept it. According to him as these workers were working in Stores when they were transferred they cannot be freshly appointed as shown in Ex. M1 and the averment that the Management was empanelling and disempanelling the workers, denuding upon the workload is not correct. He denied the suggestion as those are badli workers as per Section 25(F) of Section 33 of the I.D. Act has no application to them and they are not employed for

permanency or reinstatement with back wages. He filed a document to show that 12 workers were confirmed as General Mazdoor in C.S.P., Kalyani Khani 7 under Ex. W7 dt. 18-11-1983. The Management wanted the original of Ex. W7 to be produced. He asserted that the persons in the reference are for senior to the workers Shaik Naser and others and he denied that the said reference is not maintainable.

8. Of course the evidence of W.W. 2 and W.W. 3 is available also. Still I am not referring it as there was no cross examination by the Management. Even then, by giving benefit of doubt to the Management, though they are not entitled for such benefit of doubt in refusing to cross examine W.W. 2 and W.W. 3, in the light of the petitions filed by them which are frivolous.

9. Now on the evidence available the Management did not come forward to produce any documents. The Management is having the pay sheets and they did not file for these workers. The original of Ex. W7 is with the Management and it refers to a different Incline K.K. 5 of C.S.P. and they should have filed it instead of questioning that the original is not filed by the workmen. Now the averment of the workmen W.W.1 that they were discharging the duties of Store general mazdoor continuously without any break in service from 16-8-81 till 19-4-1984 is not rebutted by any tangible evidence by styling them as badli workers. When they are discharging general mazdoors duties and the Management did not produce pay sheets and not filed which are available with the Management; just depending upon "nomenclature" that they are badli workers, their case cannot be ignored. The real work that is extracted is important and not the name given to it. Hence the contention of the management is absurd and it is not proper. In fact Ex. M1 is a statement objected by the workmen. It is not proved by furnishing proper attendance registers and it is objected by the workmen President. Ex. M1 is not proved by the Management by adducing evidence. So Ex. M1 is not helpful to support the management's case. Ex. W2 would show that during the minutes of discussions the management agreed to grant casual leave, earned leave, sick leave to the eligible workers as per the rules i.e. proportionate to leave with pay etc. and records annual increments continuing further discussions were postponed and Ex. W2 is in conformity with the counter filed by the Management itself. So Ex. W2 need not be objected as if there is something wrong in Ex. W2 and they did not concede the said earned leave, casual leave, sick leave etc., In the counter itself they have conceded those things. So it cannot be said that Ex. W2 did not indicate any concession by the Management and the management insisting that as per Ex. W6 there was no concession is not correct. The Union alleged that the action of the management is unjust, unfair and illegal and demanded that all the seven workers should be confirmed as general mazdoor in Category I with retrospective from November 1981 giving benefit of annual increments and continuing and they cited Durgam Jaggaiah, Shaik Naser and T. John and others and that they were juniors to them. The Management wanted to explain that they were working elsewhere and they were brought as general mazdoor. But the said assertion is not proved by any legal evidence. The Management did not adduce any evidence and they did not file any documents to substantiate this averment. The Management at least conceded but the workers demand involve a policy statement and they referred to higher management would indicate that they were discharging the duties of general mazdoor and the nature of duties are more important than the name given to them as badli workers. The badli workers as per Standing Orders of the Company Section 2(f)(iii) is a badli or substitute and he is one who is appointed in the post of permanent employee or probationer who is temporarily absent. If the management want to strictly stand by this definition of Standing Order they must show in all these seven cases in whose permanent employee placed as general mazdoor or probationer when he was absent temporarily all these seven workers were continuously working the so-called sort of disempanellment and empanellment of badlies which is set up by the Management and the same should have been proved by legal evidence and the very fact that these workers were discharging the duties of general mazdoor for three years continuously will

shatter the theory of empanellment and dispanellment as mentioned by the Management in their counter. Further as mentioned in the claims statement it is a sorry state of affairs that these workmen when they were making demands for confirmation that they should be terminated illegally on the first occasion from 27-2-1984 and again for about five years from 1-4-1984 and so on and so forth as mentioned in their claims statement. If there is empanellment or disempanellment the same should have been mentioned in their counter with reference to these dates showing that so and so permanent worker was not available and therefore in his place so and so badli worker is posted and that the same did not amount to termination. It is not done so. It is established by the evidence of M.W. 1 and the documents filed by him including Ex. W7 that the junior badli workers were confirmed in the Company and these people who are workers working continuously without any break in clear vacancies in the Stores since 16-8-1981 were terminated without any reason or rhyme while the conciliation proceedings were going on and the same is clear case of discrimination and unfair labour practice.

10. Thus on the available material that is W.W. 1 and Exs. W1 to W7 I hold that the action of the Management of Singareni Collieries Company Limited is not confirming the seven workmen namely Sarvasri Jupaka Lingaiah, Sabayath Chandru, Avunuri Malliah, Arakonda Komariah, Durgam Rajam, Kankam Malliah and Karmara Babu as General Mazdoors Category I of Kalyani Khani Stores with effect from 16-8-1981 is not justified and further the termination orders which were given effect from 19-4-1984 during the pendency of the dispute in conciliation is unjustified and therefore I direct that the Management should confirm them as General Mazdoor Category I, Kalyani Khani Stores and they should be reinstated immediately as general mazdoor at Kalyani Khani Stores and they should be confirmed with retrospective effect from 16-8-1981 with full back wages and all attendant wages till 19-4-1984 until they resume duty.

Award is passed accordingly.

Dictated to the Stenographer, transcribed by him and corrected by me and given under my hand and the seal of this Tribunal, this the 2nd day of March, 1987.

Sd/- Illegible

INDUSTRIAL TRIBUNAL

Appendix of Evidence

Witnesses Examined

for the Workmen :

- W.W. 1 Nagaiah Reddy
- W.W. 2 E. Komaraiah
- W.W. 3 Durgam Rajam

Witnesses Examined

for the Management :

NIL

Documents marked for the Workmen :

- Ex. W1 True Copy of the Representation dt. 23-9-1983 made by S. Nagaiah Reddy, President to the Assistant Labour Commissioner (C), Mancherial with regard to confirmation of Jupaka Lingaiah and 8 others as General Mazdoors, Store MM Division.
- Ex. W2 True Copy of the Minutes of discussions held on 17-1-1984 in connection with the T.C.M.L. Unions' representation with regard to confirmation of Jupaka Lingaiah and 6 others as General Mazdoors, Divisional Stores, Mandamarri Division, before A.L.C.(C) Mancherial in the Office of the Additional C.M.E.M.M.
- Ex. W3 True Copy of the Representation dt. 19-4-84 made by S. Nagaiah Reddy, President to the Asst. Labour Commissioner (C) Mancherial with regard to confirmation of Sri Joopaka Lingaiah and 6 others as General Mazdoors, Store M.M. Division.
- Ex. W4 True Copy of the Representation dt. 15-5-84 made by S. Nagaiah Reddy, President to the Asst. Labour Commissioner (C), Mancherial with regard to confirmation of Jupaka Lingaiah and 6 others as General Mazdoors Store, M. M. Division.

Ex. W5 True copy of the Minutes of discussions held on 25-5-84 in connection with the T.C.M.L. Union's representation with regard to confirmation of Jupaka Lingaiah and 6 others as General Mazdoors, Divisional Stores, Mandamarri Division, before A.L.C.(C) Mancherla in the Office of the Additional C.M.E. M.M.

Ex. W6 True Copy of the Report on failure of conciliation dt. 25-5-84.

Ex. W7 True copy of the Office Order dt. 18-11-83 issued to Akula Shankaraiah and 9 others by the Junior Engineer K.K. 5 CSP, S.C. Co. Ltd., Mandamarri Division relieved then with effect from 18-11-83 after their duty hours as per G.M's letter No. P/PM/67/180.611 dt. 18-11-83.
Documents marked for the Management:

Ex. M1 Letter dt. 12-4-86 addressed to G.M.M.M. by the Colliery Manager, Somagundam No. 1 Incline, S.C. Co. Ltd., Ballampalli with regard to information required in connection with Jupaka Lingaiah and 8 others.

Dated : 11-3-87

[No. L-22012/34/84-D.III(B)]
J. VENUGOPALA RAO, Industrial Tribunal

का. घा. 1214—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सिंगरेनी कोलियरीज कंपनी लि., रामगुंडम विभाग-3 रामगुंडम् (महाराष्ट्र प्रदेश) के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचाट को प्रकाशित करते हैं, जो केन्द्रीय सरकार को 15-4-87 को प्राप्त हुआ था।

S.O. 1214.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Singareni Collieries Company Limited, Ramagundam Division III, Ramagundam (AP) and their workmen, which was received by the Central Government on the 15th April, 1987.

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL) AT HYDERABAD

Miscellaneous Petition No. 23 of 1985

IN

Industrial Dispute No 2 of 1982

BETWEEN

Tati Yellaiah, S/o Mallaiah aged about 25 years,
Occ. Coal Filler, C/o Kaleveni Rajam, Post
Gunja Pady, Tq. Mahthani, District
Karimnagar. ... Petitioner

AND

The Singareni Collieries Company Limited,
Ramagundam Division-III, Ramagundam.
... Respondent

APPEARANCES :

Sarvasri K. Anath Rao and B. G. Ravinder
Reddy, Advocates for the Petitioner.

Sarvasri K. Srinivasa Murthy, H. K. Saigal, P. V.
Siddhartha and Miss G. Sudha, Advocates
for the Respondent.

AWARD

This is an application filed by one Tati Yellaiah, Coal Filler under Section 33A of the Industrial Disputes Act, 1947 stating that he is working as Coal Filler in GDK 1A Incline in Singareni Collieries Company Limited, Ramagundam and there were no complaint whatsoever against him in discharging his duties. It is his case that he was suspended by the Respondent alleging that he was guilty of absence and that no charge sheet was issued to him. He mentioned that when there was no charge sheet issued to him he could not submit any explanation to the surprise of the petitioner he was dismissed by the Respondent proceedings No. P.R.G. III/IOA/491 dated 14th June 1983. In the dismissal order it is stated that the charge sheet dated 11-11-1982 was issued to the petitioner. The petitioner said that no such charge sheet was issued to him. According to him he was under the impression that he was kept under suspension. As he was finding it difficult to live, he shifted to his in-law's residence at Gunjapadu, Manthani Taluq, Karimnagar District. Therefore he wanted the Tribunal be pleased to adjudicate the dispute and reinstate him with full back wages as Industrial Dispute No. 2 of 1982 is pending as the Petitioner is a concerned workman and the dismissal order passed on him for misconduct of absence is done without approval from the Tribunal.

2. Of course the Management filed a counter denying the allegations contending that there is no violation of Section 33 of the I.D. Act so as to raise a complaint under Section 33A. It is said that the Company made all efforts including publishing in the newspaper to communicate the charge levelled against him and to give him reasonable opportunity to defend his case and they contended that the domestic enquiry by observing the principles of natural justice. Moreover it is mentioned that Industrial Dispute No. 2 of 1982 is pending before this Tribunal which is with reference to transfer of General Mazdoor (time rated) from Coal Chemical Complex to Yellandu Collieries as Piece rated worker is not connected with the Petitioner cell who was dismissed for absenteeism under Section 16(16) of the Standing Orders of the Company and the Petitioner cannot take shelter under Section 33-A of the I.D. Act.

3. In this case on behalf of the workman no evidence was adduced but the Management examined R.W.1 and marked Exs. R1 to R9 by an order dated 27-2-1987 by this Tribunal. It is held that the workman himself failed even after reasonable opportunity given to him to justify how the domestic enquiry is illegal or unfair and that the domestic enquiry is held fair and proper. Afterwards there was no further evidence adduced by the parties. It is part of record.

4. Now whether this workman's grievance that it comes under Section 33A of the I.D. Act is valid or not. Admittedly Industrial Dispute No. 2 of 1982 is with reference to transfer of General Mazdoor (Time rated) from Coal Chemical Complex to Yellandu Collieries as piece rated worker while this worker was dismissed for absenteeism under Section 16(16) of the Standing Orders of the Company both have no connection whatsoever. The Managements contention

thus is that there is no necessity to seek permission in the light of the pendency of Industrial Dispute No. 2 of 1982 for dismissal of the workman and as there is no violation of Section 33 of the I.D. Act is also upheld. In other words this petition is not maintainable under Section 33A of the I.D. Act and the enquiry was already held to be proper and fair and the workman himself has not availed the opportunity. Hence Award is passed dismissing the petition.

Dictated to the Stenographer, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 24th day of March, 1987.

Sd/-

Industrial Tribunal

Appendix of Evidence

Witnesses Examined for
the Respondent—Management :
R.W.1 C. Simhachalam.

Witnesses Examined for
the Petitioner—Workman :
NIL

Documents marked for the Respondent—Management

Ex. R1 Letter dt. 17/21-3-82 addressed to SME
CMgr. G.D.K. 7/7A/9/9A. Inclines by
the D.S.R.G. III with regard to C.
Simhachalan.
will conduct the domestic enquiries.

Ex. R2 Paper publication of Andhra Patrica
dt. 10-2-83.

Ex. R4 Tub account attendance register from
May 1982 to October, 1982.

Ex. R4 Tub account attendance register from
November, 1982 to April 1983.

Ex. R5 B. Register showing the permanent
address of Tati Yellaiah at page No.
165.

Ex. R6 Un-served envelope.

Ex. R7 Acknowledgement receipt.

Ex. R8 Charge Sheet dt. 11-11-82 issued to Tati
Yellaiah by the Supdt. of Mines GDK
No. 9A Incline.

Ex. R9 Enquiry report.

Documents marked for the Petitioner—Workman :

NIL

Dated 27-3-1987.

J. VENUGOPALA RAO, Industrial Tribunal

[No. L-21011/13/71/D.IV(B)/D.III(B)]

124 GI/87—6.

का.आ. 1215:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रिय सरकार, निगरेनी कोलीयरी कम्पनी लि., मन्दामर्री और रामाकृष्णपुर विभाग, भिटा प्रादेश (आन्ध्र प्रदेश) के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचाद को प्रकाशित करता है, जो केन्द्रिय सरकार की 14-4-87 को प्राप्त हुआ था।

S.O. 1215.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S. C. Company Ltd., Mandamarri & Ramakrishnapur Division Adilabad District (A.P.) and their workmen, which was received by the Central Government on the 14th April, 1987.

BEFORE THE INDUSTRIAL TRIBUNAL
(CENTRAL) AT HYDERABAD

Industrial Dispute No. 33 of 1985

BETWEEN

The Workmen of M/s. Singareni Collieries Company Limited, Mandamarri and Ramakrishnapur Division, Adilabad District, A.P.

AND

The Management of Singareni Collieries Company Limited, Mandamarri and Ramakrishnapur Division, Adilabad District, A.P.

APPEARANCES :

Sarvasri A. K. Jaya Prakash Rao, P. Damodar Reddy and K. Vijaya Kumar, Advocate for the Workmen.

Sarvasri K. Srinivasa Murthy, H. K. Saigal and Kumari G. Sudha, Advocates for the Management.

AWARD

The Government of India, Ministry of Labour by its Order No. L-22012/47/84-D. III(B) dated 21-5-1985 referred the following disputes under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 between the employers in relation to the management of Messrs Singareni Collieries Company Limited and their workmen to this Tribunal for adjudication :

“Whether the management of Messrs Singareni Collieries Company Limited, Mandamarri and Ramakrishnapur Division, Post Office Kalyankhani, District Adilabad are justified in refusing to consider refixation of basic pay in respect of Shri Immam Sherief and 36 other Category-VI Tradesmen of Mandamarri and Ramakrishnapur Division ? If not, to what relief are the concerned workmen entitled ?”

This reference is registered as Industrial Dispute No. 33 of 1985 and notices were issued to the parties.

2. This is a claims statement filed by the Singareni Collieries Miners and Engineering Union seeking that to consider refixation of basic pay in respect of Immam Sherif and 36 others Category VI grade of Mandamarri and Ramakrishnapur Division properly and to set aside the order of the Management in that context and also to give incremental benefits on par with those who were promoted in the year 1980 and also direct the management to pay the difference of arrears consequent of refixation with effect from 1976 onwards. The Petitioner-Union represented to the Management in respect of anomalies arisen in fixation of pay for tradesmen. It is further submitted that all the tradesmen are members of the Petitioner Union and the Petitioner Union has espoused the cause of workmen when the Management refused to consider the refixation of basic pay in respect of tradesmen Category VI of Mandamarri and Ramakrishnapur Division. The Petitioner submits that the tradesmen who were promoted to higher grade by management in the year 1976 are drawing less pay than who were promoted in the year 1980. The petitioner further submits that they arose anomaly in the basic fixation consequent to the promotion of monthly scale. It is pointed out that as per the Circular issued by the Respondent-Company on 21-7-1977 the Respondent has evolved a procedure with effect from 1-1-1977.

The Petitioner therefore submits that to remove the hardships if any, it has been decided to review the cases of promotion affected on or after 1-10-1976 to remove hardship. The Union also furnished the names of tradesmen to the Executive Director, Bellamalli in respect of refixation of basic pay and the Respondent agreed to refix the pay of the tradesmen, but the Management unilaterally changed their attitude towards the Petitioner's Union. The Petitioner therefore submits that the action of the management is only an act of victimisation and unfair labour practice and also discriminatory. It is also pointed out that the Singareni Collieries in various matters where it was held that 'the equal remuneration to be payable to the employees for equal work' and junior should not draw more than senior. In spite of such specific instances the respondent has failed to remove the anomalies that arose while refixing the basic pay of such of those employees who were promoted in the year 1976 and the others who were promoted in the year 1980 are given one incremental benefit after promotion while fixing their pay. The petitioner therefore submits that all the tradesmen who were promoted in 1976 and whose names are referred to Central Government are entitled for one increment on par with the junior employees who were promoted in the year 1980 in order to remove the anomalies.

3. The Management filed a counter stating that the pay fixation of workers/tradesmen will be done as per the Wage Board recommendations and from time to time agreements were already entered between the Management and the Union. It is pertinent to submit that the joint binartite Committee of Coal Industry look into the various problems of the workmen concerned when the Union makes representations. According to the problems the Committees are form-

ed to study the problems which will enable them to give due recommendations which will be implemented by the management of Coal Mines. The Standardisation Committee is one of such nature is constituted by the J.B.C.C.I. to look into the anomalies with reference to the pay fixations when National Coal Wage Agreement came into force. In the present case the National Coal Wage Agreement No. II has provided increments to monthly rated employees with effect from 1-1-1977. The Standardisation Committee has gone into all the aspects with regard to the anomalies pointed out by the Union and gave a finding that increment should be given only to the monthly rated employees, at the time of their promotion and not to the daily rated categories. In this regard, the S.C. Engineering Workers Union raised a demand stating that the daily rated employees basic has to be refixed and that there were anomalies in the pay fixation with reference to N.C.W.A.II. This was numbered as Demand No. 6, which was referred to the Ministry of Labour. In spite of the Government of India has rejected the demand of the Union, with an intention to reagitate the dispute and see that the refixation should be done for daily rated workman and the very demand is illegal and bad in law. The daily rated workmen are not entitled for extra increment in this regard while as per the Standardisation Committee of those workmen who were on monthly rated jobs will be given one extra increment on promotion. The Management also issued the circular to the effect on 1-1-1977. The procedure regarding the fixation of pay for daily rated workmen who got promotion to higher categories prior to 1-3-1980, is as follows:—"Whenever daily rated workmen was promoted from one category to another category his basic pay was fixed at the minimum of the promoted grade if the pay happened to be lower than the minimum and if it was more and falling in between two stages in promoted scale his basic pay was fixed at the higher stage. The same procedure was followed in the case of 38 workmen who are under dispute when they were promoted from category V to Category VI on 1-1-1978 and there was no anomaly at that time in their fixation of basic pay. So the Circular referred to by the workmen with reference to monthly rated employees from 1-1-1977 does not apply to the daily rated workmen. In respect of daily rated employees who were promoted to higher category after 1-3-1980 they were given one increment in promoted category as per the Guidelines given by J.B.C.C. But in that guidelines it is nowhere mentioned that it will apply to daily rated employees. So the allegation that there are anomalies in fixation of pay of tradesmen is not correct. The allegations that the tradesmen were promoted in higher category by the management in the year 1976 who are drawing less pay than those who were promoted in the year 1980 is not correct. Between 1976 to 1980 J.B.C.C.I. gave clear instructions as stated above and the same was followed. Further the workman has no legal right to compare with other workmen. The allegation is that the Management adopted unfair labour practice, discriminatory attitude and victimised the workmen is totally false and petitioner is put to strict proof of these allegations. It is submitted that badli, casuals, temporary, permanent, monthly rated and daily rated employees will be doing similar type of jobs as per posting and appointment order and

all of them has no right to claim the same benefit as they were governed by the appointment order.

4. The matter was referred to this Tribunal on 29-5-1985. Sri K. Srinivasa Murthy filed Vakalat for the Management on 24-7-1985, Sri A. K. Jayaprakash Rao filed vakalat for the workman and as the Worker did not file claims statement even after eight adjournments reference was terminated on 22-1-1986. On 23-1-1986 the Workman counsel Sri A. K. Jayaprakash Rao filed a petition to restore the reference as the award is not yet delivered, as per Orders in M.P. No. 23 of 1986 the matter is restored to file. Even then the workmen took number of adjournments and finally filed a claims statements on 8-5-1986. The counter was filed by the Management after taking their own adjournments on 14-8-1986. On 7-10-1986 the Management filed M.P. No. 386/86 it is mentioned by one Murari Reddy, Deputy Personnel Manager that the Management decided not to go on with any of their cases before the present Chairman and steps are taken for transfer of the cases and therefore the cases should be deferred. In fact on the same notice was also given to the other side and as Murahari Reddy has no authorisation to file the said memo and as he is not competent to file it. It is observed by this Tribunal to state under what authority he filed the said Memo to represent that the management decided not to go on with any of their cases before this Tribunal. Since it is only a Memo and not filed by the competent person with a verified affidavit and petition for the management. It is held that the said petition is frivolous and hence rejected. On 3-12-1986 there was no representation for the Management and J. Durgaiah, General Secretary, S. C. Miners and Engineering Workers Union filed a petition M.P. No. 458/86 and mentioned that he is ready as General Secretary of the Union to give evidence and the management took several adjournments and they were not prepared to represent their case and therefore they wanted the Management to be exparte and permit the petitioner to lead the evidence in the interest of justice. Since it is an old matter after hearing the Advocate a final chance is given to the Management and notice was ordered to the Management stating that if the Management is not present on 20-12-1986 they will be set exparte and the workers evidence will be recorded. On 20-12-1986 the Management received the said notice and acknowledged the said notice and nobody was present and there was no representation then W.W.1 is examined and Exs. W1 and W2 are marked. It is posted for further evidence and on 15-1-1987 W.W.2 was examined and Exs. W3 to W5 are marked. On 28-1-1987 when the workers W.W.1 and W.W.2 were present and there was no cross-examination by the Management Kumari Sailaja on behalf of the workman filed a Memo M.P. No. 31/87 stating that their witnesses were present and they were not being cross examined and therefore their evidence should be closed. She also mentioned that the workman has spent Rs. 100.00 attending to the Tribunal and each witness spent a sum of Rs. 200.00 for attending the Tribunal and the Management is avoiding to represent and contest the matter. Thus it is ordered the Management if it intends to cross examine the workers witness W.W.1 and W.W.2 he should pay

Rs. 100.00 to each witness for their coming or otherwise cross examination by the management of them is treated as closed and it is further posted for management evidence also to be called on 5-2-1987.

5. On 5-2-1987 as there was no representation for Management as per the previous orders the cross examination of W.W.1 and W.W.2 is treated as closed and it is posted for managements evidence, if any, to 18-2-1987. On 18-2-1987 the workers counsel was present, Management and its counsel called absent and there was no representation. Hence the evidence of the management is treated as closed. In the meanwhile the Government of India had furnished the names of the persons including all the workers involved in this reference by their letter dated 20-2-1987 and on 4-3-1987 the counsel of the workmen was heard and it is posted for managements arguments if any, on 9-3-1987 and the Management did not address any arguments and hence it is reserved for award. In other words the matter was reserved for award after a period of nearly one year and ten months.

6. W.W.1 is one J. Durgaiah who is the General Secretary of the Singareni Collieries Miners and Engineering Workers Union. He mentioned that Imam Sharif and 36 others who are mentioned in this reference which was further clarified by the Addendum issued on 20th February 1987 by the Ministry of Labour in No. L-22012/47/84-D. III(B) are working as Category VI tradesmen at Mandamarri and Ramakrishnapur since 1976. He deposed that some others who are junior to these workmen were promoted from 1980 from Category V, Category VI but those who are promoted in 1980 Category VI tradesmen were given higher scales of pay than the petitioners who are already working in Category VI from 1976. He also mentioned that they represented the matter to the Executive Director, Beilampally area and marked the same as Ex. W1. It is his case even after such representation the management did not rearrange the scale of the petitioners on higher grade and the matter was disputed and authorities referred this for conciliation under Ex. W2. It is also his case that as per the Joint Bipartite Settlement where such anomaly in categorisation they have to be rectified but it is not done so. According to him the workmen who were promoted in 1980 in Category VI as well as present workmen under the reference who were promoted to Category VI in 1976 are doing the same nature of work. Therefore the Union as well as the Petitioners pray to refix the basic pay of these petitioners by giving one increment on par with those who were promoted in the year 1980 and also pay the arrears of the said difference of pay from 1976 onwards. He stated that I.D. was filed on 29-5-1985 and the workmen filed claims statement on 8-5-1986 and the Management filed its counter on 14-8-1986. There afterwards five adjournments were granted till then. The workmen also issued notice to the General Manager, Ramkrishnapur by filing M.P. No. 458/86 and to be present and ready for enquiry to this day i.e. the date when he deposed and the said notice was served inspite of the Management was not present. Hence in the light of the said Memo filed by them their evidence must be recorded and orders may be passed.

7. W.W.2 is Imam Shareef. He too deposed that the office order of promotion given to those people is marked as Ex. W3. According to him he along with other 36 tradesmen were not given one increment from 1976 onwards as per the office Circular Ex. W4. The date of increment shall be reckoned from the date of promotion and it is also mentioned that they would review the cases of promotion affected after 1-10-1976. If there is any hardship caused in applicability or fixation of the salary wages to the monthly rated employees covered by the National Coal Wage Agreement. According to him totally 38 people were referred but serial No. 6 by name Katta Tirupathi was dead and no more alive. So the remaining 37 people in Exs. W1 and W2 including himself from part of the reference. In 1980 it is his case that some Fitters have got promotions to Category VI. He mentioned the names of M. A. Lateef, Ramadass, Fitter, Chintala Suryanarayana and in other divisions also and he marked the same as Ex. 55 in Category VI the Fitters, Plumbers, Blacksmith, Electricians, Lamp Room Attender, Painter are having the same wage structure. The Management was having hand in glove with the Tandur Coal Mines Labour Union and they gave benefits to the workers belonged to that Union which are mentioned in Ex. W5. Therefore he mentioned that all the 37 people are entitled to have the salary refixed in Category VI tradesmen of Mandamarri and Ramakrishnapur Divisions by giving one incremental benefit on par with those who were promoted in the year 1980 (1-3-1980) and also the Management should pay the difference of arrears with consequential benefits with effect from 1976 onwards till now.

8. The evidence of W.W.1 and W.W.2 stands unchallenged. The Management was given notice after Workers filed M.P. No. 458/86. The notice was given to the management that the evidence will be taken up on 20-12-1986. This is done after five adjournments were given to the Management as they are not coming to contest the case. Still they did not turn up. Thus the evidence would show that Category VI constitutes Fitters, Plumbers, Blacksmith, Electrician, Lamp Room Attendants, Painters and as per Ex. W5 circular there was reference about the promotion of M. A. Lateef Painter, K. K. Workshop to Category VI from 1-3-1980 and they were given Category VI on 1-3-1980, at the rate of Rs. 25.55 as per N.C.W.A.I. These workers W.W.1 and W.W.2 mentioned that they were working as Category VI Tradesmen since 1976 and they made a representation as per Exs. W1 and W2 mentioning their names of course there are 38 names and S. No. 6 Tirupathi expired and therefore the reference as per Addendum also mentioned 37 members including Imam Shareef. The office order of promotion which is marked as Ex. W3 would show that under mentioned names in Category V are promoted to Category VI to work at places against their names and the promotion will take effect from 1-6-1978 and as per Ex. W4 as per National Coal Wage Agreement vis-a-vis the pay scales were reviewed and it was decided that with effect from January 1977 on promotion the initial pay in the time scale of higher post shall be fixed at the stage next above the pay notionally arrived at by increasing his

pay in time scale of lower pay by one increment at the stage of such pay had agreed under the date of increment reckoned from the date of promotion and it was decided to review the promotion effected and after 1-10-1976 the same is marked as Ex. W4. Now when M. A. Lateef as per Ex. W5 Ramdass, Fitter and Chintala Suryanarayana were promoted in 1980 to Category VI on 1-3-1980 their basic salary was fixed at Rs. 25.55 per day whereas these people who were admittedly working as Tradesmen Category VI since 1976 though are entitled as per Ex. W4 for refixation in the basic pay by giving one increment on par with those who were promoted in the year 1980 and also for the arrears of the said difference of pay from 1976 onwards when the nature of work is the same and the category is also same and when these employees under reference are definitely seniors to them, the advocate even after repeated requests as shown under Exs. W1 and W2, when they were not rectified, this is glaring anomaly and it is also discrimination. The evidence of W.W.2 would show that for the workers belonging to Tandur Coal Mines Labour Union these benefits as shown under Ex. W5 were given from 1-3-1980 and these workers under reference who numbered 37 though they were working as tradesmen in Category VI since 1976 as per Ex. W5 they are entitled for difference of arrears of pay with consequential benefits with effect from 1976 onwards and also one incremental benefit on par with those who were promoted in 1-3-1980 the same was not given. Therefore on a careful consideration in the given circumstances as Management could not substantiate their averments in their counter by any tangible legal evidence as they persisted not to attend the Tribunal for the best reasons known to themselves and when the evidence of W.W.1 and W.W.2 stands un rebutted Exs. W1 to W5 also establish their case as genuine case, I hold that Singareni Collieries Company Limited, Mandamarri and Ramakrishnapur are not justified in refusing to consider re-fixation of basic pay in respect of Imam Shareef and 36 others as mentioned in the Addendum dt. 20th February 1987 in Category VI tradesmen and they are entitled for arrears of difference from 1976 onwards till 1-3-1980 and they are also entitled to being seniors while refixing their benefits of one incremental benefit so as to be on par with the workers who were promoted on 1-3-1980.

Award is passed accordingly.

Dictated to the Stenographer, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 17th day of March, 1987.

Sd/-

Industrial Tribunal

Appendix of Evidence

Witnesses Examined

for the Workmen :

W.W. 1 J. Durgaiah

W.W. 2 Immam Sherif

Witnesses Examined

for the Management :

NIL

Documents marked for the Workmen :

Ex. W1 Representation dt. 27-7-83 made by J. Durgaiah, President to the Executive Director, Bellampalli Area, S. C. Co. Ltd., P.O. Bellampalli with regard

Anomalies in fixation of basic pay to Cate. VIth tradesmen.

Ex. W2 Representation dt. 7-5-84 made by J. Durgaiah, President, Singareni Collieries Engineering Workers' Union, P.O. Ramakrishnapur to the Regional Labour Commissioner(C), Hyderabad with regard to Anomalies in fixation of basic pay to Cat. IV tradesmen.

Ex. W3 Promotion Order dt. 7-10-78 issued to K. Krishnaswamy and 13 others by the Additional G.M.B.P.A.

Ex. W4 True copy of the Circular No. P49/3326/322 dt. 21-1-77 issued by General Manager to All pits and Departments of all Collieries with regard to pay fixation consequent on promotion to monthly rated employees.

Ex. W5 True copy of the letter dt. 13-2-82 addressed to D.E(W) RKP by the Executive Engineer, K. K. Workshop with regard to Basic fixation details.

Documents marked for the Management :

NIL

J. VENUGOPALA RAO, Industrial Tribunal
Dated : 31-3-1987. [No. L-22012/47/84-D. III(B)]

का.भा. 1216:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सिंगरेनी कोलियरीज कम्पनी लि., बेल्लमपाला के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचाट को प्रकाशित करता है, जो केन्द्रीय सरकार को 14/4/87 को प्राप्त हुआ था।

S.O. 1216.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Singareni Collieries Company Limited, Bellampalli and their workmen, which was received by the Central Government on the 14th April, 1987.

**BEFORE THE INDUSTRIAL TRIBUNAL
(CENTRAL) AT HYDERABAD**

Industrial Dispute No. 8 of 1985

BETWEEN

The Workmen of Singareni Collieries Company Limited, Bellampalli, Adilabad District.

AND

The Management of Singareni Collieries Company Limited, Bellampalli, Adilabad.

APPEARANCES :

Sri D. S. R. Varma, Counsel—for the Workmen,
Sri K. Srinivasa Murthy, Sri H. K. Saigal,
and Miss G. Sudha, Advocates—for the Management.

AWARD

The Government of India, Ministry of Labour by its Order No. L-22012/56/84-D. III(B) dated 29th

January 1985 referred the following dispute under Sections 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 between the employers in relation to the Management of Singareni Collieries Company Limited, Bellampalli and their workmen to this Tribunal for adjudication :

“Whether the action of the management of Messrs Singareni Collieries Company Limited, in relation to their Morgan Pit (HD-II) in dismissing from service Sri Senigarapu Jakkulu, Badli Worker, with effect from 16-11-1983 is justified? If not, to what relief is the workman concerned entitled?”

This reference was registered as Industrial Dispute No. 8 of 1985 and notices were issued to the parties.

2. The claims statement filed by the Singareni Collieries Workers Union, Bellampalli seeking that the action of dismissal taken against S. Jakkulu, Badli Worker with effect from 16-11-1983 is unjustified and that he should be reinstated with full backwages as the same is amounted to unfair labour practice. It is mentioned that the said S. Jakkulu, Badli Worker was charge sheeted alleging that on 1-9-1983 he mis-conducted himself as per Standing Orders 16(9) and 16(19) and instigated the workers to go on strike on 1-9-1983 and caused loss of Rs. 30,000.00 to the Management and that after conducting the enquiry contrary to the principles of natural justice in great haste. He was held guilty and dismissed. It is contended that the said enquiry is vitiated and that he did not instigate any workers to participate in the strike. He mentioned that the workman is an active Trade Unionist and therefore the management victimised the workman.

3. The Management filed a counter stating that S. Jakkulu, Badli Worker of Morgan Pit was charge-sheeted under the Company's Standing Order 16(9) and 16(19) on the charges that he struck work illegally and incited others to go on strike from 1-9-1983 thus causing loss of production to the tune of 210 tons valued to an amount of Rs. 30,000.00. The Management issued a charge sheet to the workman and explanation was given by him, then enquiry was conducted by the Personnel Officer and on the basis of the findings submitted by him. The charges were held proved and as the same was serious in nature he was dismissed with effect from 16-11-1983.

4. The Personnel Officer conducted the enquiry observing the principles of natural justice. The validity of the domestic enquiry may be decided as a preliminary issue and the management may be permitted to examine its witnesses. Even otherwise the Management may be permitted if the enquiry is held vitiated to prove the charges before the Tribunal. It is alleged that the management denied lay off musters of August 1983 due to break down of power supply. On the otherhand the workers, who are eligible for lay off muster during August 1983 due to break down of power supply were paid lay off compensation as per law but the workmen concerned un-necessary conducted strike without any case which resulted in the loss to the Company. The Company is a Public Utility Service and workmen have no right to go on strike without seeing any notice and any such illegal

strike is bad in law. He was dismissed of grave charges. Whenever a mine was laid off the workmen were not paid lay off compensation immediately. Normally lay off compensation was disbursed with their usual wages. In the instant case also the Management paid lay off charges in the month of August 1983 and compensation was paid in September along with August, 1983 wages i.e. on 8-9-1983. Hence the question of Management paying subsequently lay off compensation due to alleged strike did not arise. The action of the Management is thus justified and the same should be held proper and just.

5. The matter was referred to this Tribunal on 5-2-1985 for adjudication and Sri D.S.R. Varma filed vakalat for the workman on 14-5-1985 and filed claims statement on 12-8-1985. The Management filed Vakalat through Sri K. Srinivasa Murthy on 17-9-1985 and filed counter on 23-12-1985. On 12-8-1986 a Memo was filed to decide the validity of the domestic enquiry as a preliminary issue and documents were filed. Sri D.S.R. Varma counsel for the workman endorsed on that memo filed by the Management that he is not questioning the validity of the domestic enquiry and the entire domestic enquiry file is marked as Ex. M1 by consent as per the orders on the docket sheet on 20-12-1986. The matter was posted for arguments on the main issue regarding the legality of the sentence and quantum of the punishment. In fact the Management filed on 24-1-1987 a Memo which is numbered as M. P. No. 6/87 stating that in view of the Memo filed in I.D. No. 41/85 they are deferring all the matters including this case and another Memo which is numbered as M. P. No. 23/87 was also received from the General Manager, Singareni Collieries Company Limited Bellampalli project and on 13-2-1987 Sri R. V. Subba Rao, Deputy Personnel Manager, S. C. Company Limited filed another M. P. No. 47/87 stating that the matter should be deferred Sri D.S.R. Varma who was present on 13-2-1987 along with the workman filed a Memo stating that the concerned workman has been coming since several adjournments every time and wanted the matter to be disposed off on merits. Thus by a common order dt. 20-2-1987 on these M. Ps. after giving elaborate reasons, observed that this affidavit of Sri K. V. Subba Rao is almost a carbon copy of the Affidavit filed in M. P. No. 51 of 1987 by Sri Srirama Murthy and when he did not examine any witness at all in this case without knowing what transpired in the Tribunal in this case, the said Sri K. V. Subba Rao filed such an affidavit with mean and mischievous allegations, without any authorisation and it is a very serious matter and that it is a fit case where proper steps under the contempt of court should be taken to protect the prestige and respect of the Presiding Officer of the Tribunal and that such vilification campaign to intimidate the Presiding Officer should not be permitted. It is also held that Sri K. V. Subba Rao filed an affidavit to bring the Tribunal to dis-repute and also referred the matter for taking appropriate contempt of court proceedings against the said individual concern, to the High Court. Infact the High Court was pleased to observe in I.D. No. 41/85 when I passed an order on 4-9-1986 in M. P. No. 278/86 when the Management filed a Writ Petition W.P. No. 12225/86 and

W.P.M.P. No. 15951/86 as follows: "I find that the management is adopting a non-cooperative attitude in the trial of the case by the Tribunal. I order that it should desist from doing so". There was no stay granted in that matter and this Tribunal is directed to proceed with the matter with reference to that particular issue which was specified and submit its award within six months. Moreover it has nothing to do with the present matter. Thus when the preliminary point is conceded principles of natural justice was observed, the point to be considered now is whether quantum of punishment imposed and the legality of the sentence are the matter to be considered having regard to the principles of industrial act as contemplated under Section 11-A of the I. D. Act.

6. The arguments of Sri D.S.R. Varma for the workmen heard on 4-3-1987 and it is posted to 9-3-1987 for the Management arguments, if any. The Management was not present and there was no representation on 9-3-1987 and no arguments were advanced. Therefore it was reserved for Award.

7. The charge that the workman went to the office of the Welfare Officer and behaved with him in disorderly and indecent manner on 31-8-1983 at 3.00 p.m. and threatened that he would see how the Mine would work on the next day i.e. 1-9-1983 in the first shift if all badli workers are not declared eligible for lay off compensation for the days for which the Mine was laid off in the month of August 1983 owing to power breakdown. Consequently it is alleged that he resorted to illegal strike on 1-9-1983 in the first shift and incited others to go on strike. As such the strike continued in the second shift also and thus that the strike in the first shift and second shift was an illegal strike and thus it violate standing order 16(19) and the Management lost production of coal to the tune of 210 tons valued at Rs. 30,000.00. The explanation given by the workman is that after the work is over on 31-8-1983 he went to the Welfare Officer's room with other badli workers to ask for lay off muster which was occurred in the month of August 1983 due to breakdown of power supply and the Welfare Officer did not give reply properly and he had used provocative language. It is his case that on 1-9-1983 first shift badli fillers went on strike as the Pit authorities did not promise to give lay off muster to badli fillers. It is his case that he also participated in the same strike as a co-worker but he did not do want only and he was not responsible for the strike. Thus he mentioned that he was not at all at fault and the charge is not maintainable. It is an explanation given by him on 15-9-1983 for the charge sheet dt. 12-9-1983. When the Enquiry Officer asked him whether he would plead guilty he denied. One Venkat Reddy, under Manager was examined. He mentioned that Tulsi Rao, Welfare Officer came to him and informed him that S. Jakkulu badli worker along with few other badli workers entered into his room and demanded that why they should not be paid lay off compensation for the power breakdown which took place in the month of August 1983. According to him the said Welfare Officer informed S. Jakkulu and other badli workers that as per the rules whatever is applicable to them they will get it and to this fact he had also given his clarification by referring the I. D. Act. It is said that S. Jakkulu without caring for

the Welfare Officers words threw the I.D. Book and stated that they would see how the Mine will work on the next day and Sri Tulasi Rao also stated that he informed S. Jakkulu that he can apply to the Manager and whatever they are entitled they will be given to them and thereafterwards it is his case that they entered his room and started in high voice demanding all the badli workers should be paid day compensation without any procedure and rule. It is his case that tried workmen said that how the Mine would work on the next day and so saying he left the room, and thus on the next day first shift when he was at the Mine anticipating any stoppage as stated by S. Jakkulu he met him and again not to interfere but still he lead all the badli workers and staged stoppage in the first shift. In the second shift also the strike continued for the same demand. In the cross examination he simply said that he did not know what made S. Jakkulu to lead other badli workers and he had no material to say so. Then Welfare Officer Tulasi Rao was examined. He too tried to depose the same thing. It is also his case that S. Jakkulu along with others came to him and they said that they will see how the Mine will work on the next day. According to him he gave a written statement to the Management at 3.30 p.m. on 31-8-1983 S. Jakkulu asked one question in the cross examination to the Welfare Officer whether he shouted in his room he said that he shouted in his room. They also examined one Lingam Hanumiah. It is his case that S. Jakkulu along with 22 to 25 badli workers demanded the Welfare Officer that all the workers should be paid lay off compensation due to lay off earlier in August as there was electricity breakdown. According to him Hamimiah brought book which was kept at the Managers room when the Welfare Officer tried to open the book and tried to say something to S. Jakkulu and other workmen but S. Jakkulu immediately shouted by telling that all the badli workers should get lay off compensation without adhering to any rule. In the cross examination he mentioned that all others also shouted and demanded for lay off compensation. Then one Gangulu Venkatesham was examined who is Overman. According to him S. Jakkulu badli workers G. Ashalu, badli worker, A. Raju, badli worker, Chintala Gattiah, badli Worker, Kadam Balaiah, Badli Worker Indlarapu Rajam, badli worker and K. Chandriah Coal filler were present when the Manager was talking to them. S. Jakkulu in his statement mentioned that about 30 badli workers went to the Welfare Officer and enquired from the concerned clerk about their lay off muster on the previous day but the clerk told them that they will not get lay off compensation. So they went to the Welfare Officer to know whether they get lay off compensation or not and he said that as the badli workers they are not eligible for lay-off. At that time Ashalu one of the badli worker asking the Welfare Officer that they are getting casual leave, paid holiday, muster and full back wages etc. and how is it that they are not given lay off compensation. Thereafterwards they went to the Manager to enquire whether they get lay off compensation or not. At that time the Management got up from his seat and abused them in filthy language and asked them to get out of his room as they had no business to ask him all those things and on the next day as usual they went to the Mine but there

is a notice put up stating that such of the workers who have got 190 days muster in year will get lay off compensation. Then all of the badli workers assembled and discuss among them that till yesterday i.e. 31-8-1985 they were informed that nobody will get the said muster if so how such notice was put and when they were discussing this issue then one of his colleague A. Raju, badli worker stated that all of them should get the lay off compensation or else all the badli workers will not go down the mine and they would see how they would not get lay off compensation. K. Chandriah came to them and all the badli workers stated the matter to him and how the Manager abused them etc. Then they went to the Manager and the Manager stated that only those who completed 190 musters will get lay off compensation and the other badli workers will not get. Then Personnel Officer Ramakrishna came after referring the book and the Act and told all the badli workers will not get lay off muster and that the badli workers can represent to any other authorities. So all the workers left at about 8.45 a.m. and went to the pit mouth and sat there and waited there till 9.00 a.m. when the notice of strike was displayed in the notice board they left Mine premises and next day as usual they came to the Mine and found a notice in the Notice Board stating that "till August those badli workers who have completed 190 musters will get the lay off compensation. After some time distribution took place all of them attended to their work. In fact he deposed that Venkat Reddy, Manager abused them. G. Ashia badli worker was also examined in this connection. He also stated that he told badli workers and all the badli workers stated that all of them should get lay off compensation. He denied that S. Jakkulu stated Venkat Reddy how the Mine will work on the next day. A. Raju statement was also recorded. He also mentioned that all of them wanted lay off compensation. One statement of Chintala Gattiah was also examined to the same effect. Then M. Malliah was also examined.

8. Now the question to be seen is that badli workers demanded for payment of compensation for the lay off musters of August, 1983 due to breakdown of power supply. Nearly 25 to 30 badli workers participated in the strike. Even the evidence of Overmen of the Pit would show who was examined for the Management, that amongst badli workers apart from S. Jakkulu, G. Ashok, A. Raju, Chintala Gattiah, Kodam Balaiah, Indlarapu Rajam and Kolipaka Chandriah were present and questioned the Under Manager. The Management ultimately conceded that the badli workers who have completed 190 musters till August 1983 will get lay off compensation. This was not disclosed even in the evidence of Venkat Reddy Welfare Officer when they were examined in the first instance, it is clearly established that they have not explained the legal position in a clear and plain manner as can be understood by the badli workers S. Jakkulu on the other hand mentioned that the Manager abused them in filthy language and asked them to go out. Now whatever it is coupled with first shift and second shift on 1-9-1983 on all other days the work went on as usual and admittedly 25 to 30 badli workers of first and second shift were involved in the said non-payment of lay off compensation for the muster of August 1983 due to break

down. It is seen that S. Jakkulu badli worker is being penalised as per the charge sheet though his explanation was very clear that there were others also and they wanted to know the real legal position and that the authorities did not compromise the lay off muster they were aggrieved which infact was conceded on 2-9-1983 by way of notice that all those who have completed 190 musters are entitled for layoff compensation. If this position is explained by the Welfare Officer as well as the Manager on the very first day they were made such situation would not have arisen. Though they tried to see Muster book and explained they could not explain this till 2-9-1983 that is the correct position. So for such a thing S. Jakkulu who is badali worker for whom no further attributes like leader or Trade Union activists when not mentioned, he was being penalised with the order of dismissal. Though as a matter of fact those who have completed 190 musters are entitled for lay off compensation for the breakdown for the period in August 1983 and it is not known that this S. Jakkulu will not come under that category of persons who are entitled for payment of compensation. Further when all others are not punished, to single out S. Jakkulu and punish him seems to be unreasonable and the Management acted discriminately. There is no evidence from the four witnesses examined for the Management that he is a leader or Trade Union activist and when the Overman himself admitted that there are several persons and named them why this person alone is charged and dismissed when the real position is very clear that those completed 190 musters are eligible for lay off compensation. The notice was evidently notified on 2-9-1983 at the Mine and not displayed on 1-9-1983 when the trouble started; it can be held that the order of dismissal passed against S. Jakkulu is not proper on the available material and the Enquiry Officer as well as authorities concerned did not exercise their discretion in discriminating S. Jakkulu among all badli workers and further awarding punishment of dismissal which is shockingly disproportionate to the so-called instigation. Even at worse if it is held to be one of the strong points of the Management against S. Jakkulu. It is not made out that he did not complete 190 musters and therefore he was not entitled to know the legal position for payment of lay off compensation and therefore it amounted to instigation apart from being not entitled for such compensation. When the overall situation is taken into consideration it must be held that the action of the Management of Singareni Collieries Company in dismissing the badli worker S. Jakkulu as singled out instigator when admittedly 25 to 30 workers went on strike in the first shift and there were others also who went on strike in the second shift and when the workers after knowing the real position joined the duty on 2-9-1983 awarding of punishment of dismissal seems to be unjustified and also not having any nexus to the alleged misconduct. So the dismissal order automatically is held to be void, unjustified and illegal. At best he is not entitled for wages on 1-9-1983 and the workman S. Jakkulu is entitled to be continued as badli worker throughout with all back wages from the time of dismissal apart from being reinstated with all other attendant benefits.

Award is passed accordingly.

Dictated to the Stenographer, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 13th day of March, 1987.

Sd/-
Industrial Tribunal
Appendix of Evidence

Witnesses Examined
for the Management :
NIL

Witnesses Examined
for the Workmen :
NIL

Documents marked for the Management :

Ex. M1 Entire domestic enquiry file pertaining
by consent
to Senigarapu Jakkulu.

Documents marked for the workmen:

NIL
J. VENUGOPALA RAO, Industrial Tribunal
[No. L-22012/56/84-D. III(B)]
V. K. SHARMA, Desk Officer

Dated : 27-3-1987.

नई दिल्ली, 21 अप्रैल, 1987

का.पा. 1217.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार व कानकाणी कोलियरी मैसज बी. सी.सी. एल. (ऐरिया नं. v) सिजुआ जि. धनबाद के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में, निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक प्रधिकरण नं. 2, धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-4-87 को प्राप्त हुआ था।

New Delhi, the 21st April, 1987

S.O. 1217.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2, Dhanbad, as shown in the Annexure in the industrial dispute between the employers in relation to the management of Kankanee Colliery of M/s. Bharat Coking Coal Limited, (Area No. V) At & P.O. Sijua, Dist. Dhanbad and their workmen, which was received by the Central Government on the 13th April, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 174 of 1985

In the matter of industrial dispute under Section 10(1)(d)
of the I. D. Act, 1947

PARTIES :

Employers in relation to the management of Kankanee
Colliery of M/s. BCCL and their workmen.

APPEARANCES :

On behalf of the workmen : Shri B. K. Ghose, Member,
Executive Committee, Janta Mazdoor Sangh.

On behalf of the employers : Shri B. Joshi, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, the 6th April, 1987

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012 (48)/85-D. IV (B) dated, the 12th December, 1985.

SCHEDULE

"Whether the action of the Management of Kankanee Colliery of M/s. B.C.C.L. (Area No. V) At & P.O. Sijua, Dist. Dhanbad in refusing to provide surface light job on medical recommendation to Sh. Bhola Ram Miner, Kankanee Colliery, is justified? If not, to what relief the workman is entitled?"

The case of the workmen is that the concerned workman Shri Bholaran was a permanent Miner in Kankanee Colliery of M/s. B.C.C.L. From September, 1983 he suffered from Tuberculosis and was under the treatment at Ram Krishna Mission Tuberculosis Sanatorium, Ranchi. On 7-2-84 the concerned workman was discharged from the Sanatorium with a certificate of fitness to resume his duties on surface not involving severe physical strain. As the duties of the Miner underground involves severe physical strain, the concerned workman approached the management for giving him light job on surface as per recommendation of the Medical Officer of Ram Krishna Mission Sanatorium Ranchi. The colliery management forwarded his representation to the Area office but no reply was sent by the Area Officer to the Colliery for further action in the matter. Thus the management refused to provide the concerned workman with light job on the surface. The work in uncongenial atmosphere of the mine in the underground was a major contributory factor for causing tuberculosis to the concerned workman. The rehabilitation of the concerned workman in some employment in the surface not involving severe physical strain could solve the problem of the concerned workman. In similar circumstances the management have provided light job to the victims of diseases like Tuberculosis and such workmen have been subsequently regularised in the respective posts. Under the facts and circumstances of the case the action of the management of Kankanee Colliery in refusing to provide surface light job on medical recommendation to the concerned workman is not justified. It is prayed therefore that the concerned workman be given a surface job not involving severe physical strain with effect from 17-7-84 and other benefits.

The case of the management is that the concerned workman was appointed as Miner/Loader for number of years and was paid Group VA Wages. The concerned workman had approached the management for providing him light job on the surface on medical ground. The workman employed on light job get less wages than the miners and they also do not get underground allowance when they are employed on the surface. In spite of this, the workmen ask for light duty and accept lower wages on medical ground or otherwise. The management had provided light duty to workmen in several cases and regularised them on light duty permanently. The Miners/loaders as well as higher category workers after being regularised on light duties demand their original wages at the instigation of the union and several cases were instituted against the management. Thus the management was put to harassment after regularising workman on light duty. However, the management provide suitable light duty to the workmen on medical ground either temporarily or on regular basis depending upon availability of light duty. The management cannot provide light duty to the concerned workman due to non-availability of light duty suitable for him. The workmen cannot demand for light duty as a matter of right. It is option of the management to provide workmen with light duty if available to suitable candidate. The action of the management in refusing to provide surface light duty due to non-availability of suitable light duty is bonafide and justified and the concerned workman is not entitled to any relief.

124 GI/87-7.

The only point to be determined in this case is whether the concerned workman should be given surface light job on medical recommendation.

The workmen have examined the concerned workman as WW-1. The management did not examine any witness in the case. However, the management filed three documents which have been marked Ext. M-1 to M-3. The two documents filed on behalf of the workmen are marked Ext. W-1 to W-2. Ext. W-2 is the same document as Ext. M-1.

The facts of the case are almost admitted. The concerned workman was a permanent Miner/Loader employed in Kankanee Colliery of M/s. B.C.C.L. It is also admitted that the concerned workman became a victim of Tuberculosis and was treated at Ram Krishna Mission T.B. Sanatorium, Ranchi from September, 1983. It is also admitted that the concerned workman after being discharged from the Sanatorium applied for giving him light job on the surface on the basis of the medical recommendation which he had received at the time of his discharge from the Sanatorium. Ext. M-1 dated 7-2-84 shows that the concerned workman Bholaran was admitted in Ram Krishna Mission T.B. Sanatorium Ranchi on 30-9-83 and was discharged on 7-2-84. The said discharge certificate Ext. W-1 shows that the doctor had opined that the concerned workman is not infectious and is fit to resume on the surface, work not involving severe strain. The concerned workman WW-1 Bholaran has stated in his evidence that he had got Tuberculosis in 1983 and was admitted in the hospital for treatment of Tuberculosis. He has stated that at the time of discharge he was granted medical certificate Ext. W-1 in which the doctor had recommended for giving him light duty on the surface. He has stated that he had filed the said discharge certificate to the management when he reported for duty but the management did not allow him, to join and was not given light job on the surface nor he was asked to join in his original job. He has further stated that if he is given light job he will be able to work in the colliery but he cannot work as Miner/loader due to his health. He has also stated that he has no other means of livelihood except his service in the colliery. It will appear from the cross-examination of WW-1 that Personnel Manager had told the concerned workman to provide light duty when the same is available. It appears therefore that the management never stated that light job will not be provided to the concerned workman and that the same will be made available to him when light duty on the surface is available.

Ext. M-3 dated 28-2-84 is a letter from the Supdt. of Kankanee Colliery to the Personnel Manager, Sijua Area in which it is stated that Bholaran Miner/Loader of Kankanee Colliery has been suffering from Tuberculosis and that now the doctor of Tuberculosis Sanatorium, Ranchi had recommended him for light duty on the surface but there is no vacancy for light duty and as such the Supdt. requested the Personnel Manager to arrange for the medical examination of the concerned workman. It appears that this letter was written just to avoid giving employment to the concerned workman on the ground that his medical examination be arranged. Admittedly the concerned workman had submitted the discharge certificate from the Ram Krishna Mission Sanatorium which is giving specialized treatment for the T. B. patient and in which it was stated that he was now fit to resume duty on surface not involving severe physical strain. What was the need thereafter for the medical examination of the concerned workman when there was already a certificate from the expert of T. B. Treatment.

Ext. M-1 dated 11-4-84 is equivalent to Ext. W-2. It will appear from this letter that the Dy. Personnel Manager of Sijua Area addressed a letter to the Senior Personnel Officer, Kankanee Colliery. This was in response to the letter of the Dy. Personnel Manager's letter dated 13-3-84. The Dy. Personnel Manager asked the Senior Personnel Officer to furnish the specific light job required to be given to the concerned workman on the surface provided it is vacant and that on such recommendation necessary instruction was to be sent to the Senior Personnel Officer for further action. Ext. M-2 dated 24-4-84 is a letter from the Supdt. Kankanee Colliery to the Dy. Personnel Manager in reply to Ext. M-1 dated 11-4-84. The Supdt. informed the Dy. Personnel Manager that there is no scope of any light duty on surface and that

the papers were forwarded to the Dy. Personnel Manager, Sijua Area since there was no vacant light duty job in Kankanee Colliery. It is further stated that the case of the concerned workman was forwarded to the Area to ascertain if the concerned workman can be accommodated at the area office for light duty. Thus it will appear from the correspondence that efforts were being made by the management to find out vacancy for light duty to be given to the concerned workman but the management could not arrange for the light duty to the concerned workman. Thus the contention of the management is that as no light job was available on the surface and as such no light job on the surface could be provided to the concerned workman. It will also appear from the suggestion made to WW-1 in his cross-examination that the concerned workman was told that he would be given light duty when the same is available. The concerned workman had reported for duty along with the discharge certificate sometime in February, 1984 but the concerned workman has not been provided with any light job on the surface since then although 3 years have passed by now.

Admittedly workmen in the colliery have been provided with light job on the medical ground and otherwise and have been regularised in the light job. The concerned workman only wants what has been done in the case of the other workmen in similar circumstances. The concerned workman has prayed for a light job on the surface on the medical ground and as such he has got better case for light duty than those who have been provided with the light duty on consideration of other than medical ground. In para 5 of the workman's rejoinder to the employers W.S. it is stated that the union is ready to undertake that the workmen will accept the proper category of the light duty job if any provided to him so that no harassment is caused to the management. In para-6 of the rejoinder to the W.S. of the employer the union has stated that the concerned workman may be absorbed even as reliever against leave or sick vacancy till a permanent post becomes available to him. It appears therefore that the concerned workman and his union are very sincere in considering the difficulties of the management and the concerned workman will be greatly relieved if he may be absorbed even as a reliever against leave/sick vacancies till a permanent post is available. There is no doubt that some workmen are going on sick leave and the management could have no difficulty in absorbing the concerned workman as reliever in the light job on the surface and he may be made permanent on the light job when a permanent post becomes available. The management has to consider the prayer of the concerned workman on compassionate grounds. He had worked since 1971 in the underground and had suffered from Tuberculosis. He has recovered from the said disease but it is not possible for him to work as a Miner in the underground which is hard job. Considering all the facts evidence and circumstances of the case the management should take a compassionate view of the management. The management is therefore directed to provide light job to the concerned workman on the surface even as a reliever against leave and sick vacancy till a permanent post is available and he should be made permanent as soon as a permanent post is vacant. Since about 3 years have passed. I think by now some permanent vacancies must have occurred and if any permanent vacancy has been given to any workman on medical ground on light job on the surface the concerned workman deserve to be employed first in the said permanent post.

In the result I hold that the action of the management of Kankanee Colliery of M/s. B.C.C.L. in refusing to provide surface light job on medical recommendation to the concerned workman Shri Bhola Ram, Miner, Kankanee Colliery is not justified. The management is directed to give light job on the surface to the concerned workman if any post has fallen vacant after February, 1974 and if no such vacancy has fallen, the concerned workman should be absorbed as a reliever against leave and sick vacancies in the light job on the surface till permanent post on the surface is not available within one month from the date of publication of the Award.

This is my Award.
Dated, 6-4-1987.

I. N. SINHA, Presiding Officer
[No. L-24012(48)/85-D.IV(B)]
R. K. GUPTA, Desk Officer

नई दिल्ली, 27 अप्रैल, 1987

का.प्र. 1218:—औद्योगिक विवाद अधिनियम, 1947 (1947 का. 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार व टोपा कोलियरी मैसर्स सेंट्रल कोलफील्ड्स लि., डा. टोपा, जिला हजारी बाग के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं. 2, धनबाद के पंचाद का प्रकाशित करती है, जो केन्द्रीय सरकार का 14-4-87 को प्राप्त हुआ था।

New Delhi, the 27th April, 1987

S.O. 1218.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. 2, Dhanbad, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Topa Colliery of M/s. Central Coalfields Limited, P.O. Topa, Distt. Hazaribagh and their workmen, which was received by the Central Government on the 14th April, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 229 of 1986

In the matter of industrial dispute under Section 10(1)(d) of the I. D. Act, 1947.

PARTIES :

Employers in relation to the management of Topa Colliery of M/s. Central Coalfield Limited and their workmen.

APPEARANCES :

On behalf of the workmen : Shri J. P. Singh, Advocate.

On behalf of the employers : Shri R. S. Murthy, Advocate.

Dhanbad, the 10th April, 1987

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012/38/86-D. IV(B), dated the 13th October, 1986.

THE SCHEDULE

"Whether the action of the management of Topa Colliery of Central Coalfields Limited, P.O. Topa, Distt. Hazaribagh in denying promotion to Sh. H.L. Dutta, Dumper Operator Gr. II as Gr. I by making discrimination in his case, is legal and justified? If not, to what relief is the concerned workman entitled?"

In this case the workmen filed their W.S. etc. but the management did not file the same. Thereafter three adjournments were granted to the employers for filing their W.S. Ultimately on 25-3-87 when the case was fixed Shri R. S. Murthy, Advocate representing the employers appeared before me and files a Joint compromise petition. I have gone through the said Joint compromise petition and find the same as fair and proper. Accordingly I accept the same and pass an Award in terms of the Joint compromise petition which forms part of the Award as annexure.

DL : 10-4-87

I. N. SINHA, Presiding Officer

[No. L-24012/38/86-D. IV(B)]

R. K. GUPTA, Desk Officer

ANNEXURE

नई दिल्ली, 21 अप्रैल, 1987

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
NO. 2 DHANBAD

Reference No. 339/86

PARTIES :

Employers in relation to the management of Topa
Colliery of C.C. Ltd. P.O. Topa, Dist. Hazaribagh

AND

Their workman

JOINT COMPROMISE PETITION OF EMPLOYERS AND
WORKMAN CONCERNED :The above mentioned Employers and workman most re-
spectfully beg to submit jointly as follows :—(1) That the Employers and workman have jointly nego-
tiated the matter covered by the aforesaid reference with a
view to arriving at an over-all and amicable settlement of
the dispute in question.(2) That as a result of such negotiations the Management
and the workman concerned have come to an amicable and
agreed settlement on the following terms and conditions :—(a) It is agreed by the Management that the workman
concerned Sri M. L. Dutta, Dumper Operator
Grade-II (Group-C) of Topa Colliery shall be paid
difference of wages of Dumper Operator Grade-I
(Group-B) as per NCWA-III with effect from
4-11-83 for one year.(b) That it was also agreed that the concerned work-
man Sri M. L. Dutta shall be regularised as Dumper
Operator Grade-I (Group-B) with effect from
4-11-84 and that the arrears arising out of this
agreement shall be paid to him within one month
of the filing of the agreement.(c) It is also mutually agreed that this agreement is
an over-all agreement in full and final settlement
of all the claims in respect of Sri M. L. Dutta
covered under the above Reference.3. That the Management and the workman considered
that the above agreement is fair and just and reasonable
to both the parties.In view of the foregoing, the Management and the
workman jointly pray that the Hon'ble Tribunal may be
pleased to accept this joint compromise petition and give an
Award in terms thereof.

Kuju (Hazaribagh)

Dated, the 21st February, 1987,

Sri M. L. Dutta,

Dumper Operator,

Topa

(Workman Concerned)

D. Modi,

Project Officer,
C.C.L., Topa Colliery

For and on behalf of the Employer

Sri Ral. S. Murthy,
Advocate

For Employers

Sri Satrugan Singh

Dy. P.M., CCL, Topa Colliery

Witness :—

1. G. K. Gupta

O/S

2. Viswa Kumaran, N.

P.A.

का.प्र. 1219.—चूना पत्थर और डोलोमाइट खान श्रम कल्याण
निधि नियम, 1973 के नियम 3 के उपनियम (1) के साथ पठित,
चूना पत्थर और डोलोमाइट खान श्रम कल्याण निधि अधिनियम, 1972
(1972 का 62) की धारा 7 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए
केन्द्रीय सरकार, भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii) में
दिनांक 23-3-1986 को पृष्ठ 1-470 पर प्रकाशित, भारत सरकार,
श्रम मंत्रालय की दिनांक 10-3-1986 की अधिवृत्ता संख्या का.प्र.
1316 में निम्नलिखित संशोधन करती है।

उक्त अधिवृत्ता में, क्रमांक 7 की प्रविष्टि के स्थान पर निम्नलिखित
प्रविष्टि शामिल की जाएगी, अर्थात् :—

7. श्री गोरी शंकर बैसना,
जनरल सेक्रेटरी, राष्ट्रीय मजदूर संघ,
रामगंज मंडी, जिला-कोटा।

[च.प्र.पृ. -19012/4/85-डब्ल्यू.-II(सी)]

एम. एस. भल्ला, प्रवर सचिव

New Delhi, the 23rd April, 1987

S.O. 1219.—In exercise of the powers conferred by Section
7 of the Limestone and Dolomite Mines Labour Welfare
Fund Act, 1972 (62 of 1972) read with sub-rule (1) of the
rule 3 of the Limestone and Dolomite Mines Labour Welfare
Rules, 1973, the Central Government hereby makes the
following amendment in the notification of the Government
of India in the Ministry of Labour S.O. No. 1316 dated
10-3-1986 published at page 1470 of the Gazette of India,
Part II, Section 3, Sub-section (ii) dated 23rd March, 1986.

In the said notification for entry against serial number 7,
the following shall be added, namely :—

7. Shri Gori Shankar Biasla,
General Secretary,
Rashtriya Mazdoor Sangh,
Ramganj Mandi, District Kota.

[No. U-19012/4/85-W.II(C)]

S. S. BHALLA, Under Secy.

नई दिल्ली, 23 अप्रैल, 1987

का.प्र. 1220.—औद्योगिक विवाद अधिनियम, 1947 (1947 का
14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, बैंक ऑफ इंडिया
के प्रबंधन से सम्बद्ध के नियोजकों और उनके कर्मचारों के बीच, अनुबंध
में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण
बैंक ऑफ इंडिया के पंचाट की प्रकाशित करती है, जो केन्द्रीय सरकार की 21-4-87
को प्राप्त हुआ था।

New Delhi, the 23rd April, 1987

S.O. 1220.—In pursuance of section 17 of the Industrial
Disputes Act, 1947 (14 of 1947), the Central Government
hereby publishes the award of the Central Government Indus-
trial Tribunal, Chandigarh as shown in the Annexure in the
industrial dispute between the employers in relation to the
Bank of India and their workmen, which was received by the
Central Government on the 21st April, 1987.

BEFORE SHRI M. K. BANSAL, PRESIDING OFFICER,
CENTRAL GOVT., INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

Case No. I.D. 25/1986

PARTIES :

Employers in relation to the management of Bank of
India.

AND

Their workman : B. K. Sarin

APPEARANCES :

For the Employers : Shri Raj Birbal.

For the workman : Shri R.L. Chopra.

INDUSTRY : Banking STATE : Chandigarh U.T.

AWARD

Dated 9-4-1987

On the basis of Inquiry the services of workman Bal Krishan Sarin were terminated w.c.f. 26-11-1983. Workman raised a dispute No. L-12012/170/85-D.II(A) dated 11th February 1986, about his termination which was referred to this Tribunal for decision which is as under :

"Whether the action of the Bank of India, in terminating of services of Shri Bal Krishan Sareen, Staff Officer, in their Sector-17-B, Chandigarh Branch with effect from 26-11-1983 is legal and justified ? If not, to what relief is he entitled?"

2. The case of the workman was that he was appointed as clerk-cum-typist on 17-10-1970 and subsequently was promoted on 1-12-76 as Staff Officer, that he worked at Chandigarh and in the year 1979 he was transferred to Patna : that his transfer to Patna was made in order to take revenge from the workman for his Union activities details of which have been given by workman in paras 2, 3, 4, 5 and 6 of the claim statement which will be referred later on if necessary: that on the basis of an anonymous complaint inquiry was initiated against the workman for his termination from the service: that workman brought a civil suit to challenge the inquiry proceedings initiated against him: that in the said civil suit stay was granted : that inquiry officer proceeded with the inquiry in a arbitrary manner. That proper opportunity was not allowed to the workman to cross-examine the witnesses including that of Shri A.M. Palit. That workman was denied opportunity to produce his witnesses : that requests of workman to adjourn the proceedings on account of illness was also not accepted: that inquiry officer did not take into consideration the affidavits and various other documents placed by the workman on the file : that material documents demanded by the workman were not supplied to him. So it was alleged that inquiry held was not a proper inquiry and it amounted to denial of justice: that inquiry officer give his report against the workman: that on the basis of the same services of the workman were terminated. It was further alleged that action has been taken against the workman under Regulation 29(1) of the Bank of India Officer (Service) Regulation Act, 1979. That services of the workman can not be terminated, under the above rule as the same were struck down by Hon'ble Supreme Court: that workman was appointed by General Manager : that Zonal Manager who passed the order of termination had no right to do so.

3. The Bank in their reply alleged that workman is not worker as defined in Section 2(s) of the I.D. Act 1947: that this Court has no jurisdiction to entertain and try the reference because remedy of the workman if any lies to the Civil Court where he has already gone to challenge the initiation of the inquiry : that a charge sheet levelling serious charges allegations was issued to the workman under Clause 6 of the Bank of India Officers Employees (Discipline & Appeal) Regulations, 1976 : that Inquiry was conducted by Shri Naruwal: that due opportunity was allowed to the workman to cross examine the witnesses : that the allegation that workman was denied the opportunity to cross-examine the witnesses were denied: the allegation that workman was appointed by General Manager of Bank of India was denied in corresponding para of the reply but it was not specified as to who was the appointing authority of the workman. It was alleged that workman was dismissed by the authority competent to dismiss. It was alleged that although the order is an order of termination but it was passed on charges being proved and on recommendations that workman is liable to be dismissed. So order of termination should be upheld. It may be specified here that during the proceedings an application was also made by the management praying that in case this tribunal

comes to the conclusion that due opportunity was not allowed to the workman to defend, then this Tribunal should hold inquiry into the charges levelled in this Court.

4. In support of the case both the parties placed their affidavits and documents, the entire record of the inquiry and its proceedings was also placed on the file which has been admitted to be correct by the workman as well as the management.

5. I have heard the parties and gone through the file. The first point raised by the management so that this Court have no jurisdiction to entertain and try this reference. The arguments of the counsel for the management is that the workman has already a right to challenge his termination either in the Civil Court or before the Labour Court/Tribunal : that once the workman exercise his opinion then he cannot take recourse of the proceedings before the other authority. According to him workman in the present case has challenged the initiation of inquiry in Civil Court and so his remedy was with the Civil Court. To support his contention management placed reliance on the full bench authority of Punjab & Haryana High Court Sukhi Vs. State of Haryana 1982 Factory and Labour Reports 321. In the above authority there was a dispute whether Civil Court have jurisdiction to go into the question of dismissal or removal of a driver of Haryana Roadways. Their Lordships came to the conclusion that workman can approach either Labour Court or Civil Court as per his choice and he can not have both. On the contrary workman placed before me 1982(2) Service Law Reporter 437. In the above authority Sukhi Ram case was considered. Workman approached the Civil Court to challenge initiation of departmental proceedings, during the pendency of the suit, workman was dismissed, thereafter he approached Labour Court. It was held in the above case that jurisdiction of the Labour Court to go into the validity of the dismissal order is not barred because when workman approached the Civil Court there was no dismissal order and workman could not approach Labour Court. So contention of the management that this Court have no jurisdiction fails can not be accepted, in view of the authority cited by the workman and is rejected.

6. Second point raised on behalf of the workman is that his order of termination is invalid because it has not been passed by the appointing authority. The facts relevant to this objection are that workman joined as clerk. He was promoted as staff officer on 1-12-1976 by General Manager. His services were terminated by Zonal Manager. The inquiry against him was ordered by Zonal Manager i.e. the authority junior to the General Manager. So workman placing reliance on the facts contended that termination is void. Legal proposition to the fact that order of termination can only be passed by the appointing authority or the officer superior to him can not be disputed. The fact that workman was appointed as clerk is not disputed. Promotion of the workman as Staff Officer is also not disputed. Relevant letter has been placed by the workman on the file. Persual shows that he was promoted vide order of General Manager. The management on the contrary contended before me that as the workman was appointed in the beginning as Clerk by the Regional Manager so he could be dismissed by the Zonal Manager. This argument cannot be accepted because when an officer is promoted subsequently by the General Manager then his appointing authority become General Manager.

7. Counsel for the management also contended before me that under the statutory regulations the authority competent to issue charge sheet is the Regional Manager and the authority competent to dismiss is the Zonal Manager. In the present case the order are passed by the Regional Manager and the Zonal Manager, so order is valid. He also cited before me K. M. Mukherjee Vs. Secretary, State Bank of India 1983 (46) F.L.R. 297 a Supreme Court authority. In the same it is held that unless regulations are violated, powers to dismiss cannot be challenged. He also cited before me Collector and another Vs. Tribuwan Nath 1977 L.I.C. 581 (Allahabad) wherein in para 9 it is held that there is no absolute powers. That only that authority which has appointed could dismiss. There is no dispute with the above proposition. But question is whether by regulation the power to dismissal can be delegated to Junior officer than the appointing authority. I am of the view that same can not be delegated. Otherwise also

the regulations were framed in 1976. While Bank of India Officers' Service Regulations, 1979 (which made applicable in 1979) provided that appointing authority of officers is General Manager. When in 1979 appointing authority has been changed: the corresponding change in staff Regulations Discipline Rules, 1976 was also required, no such change was made, so it cannot be presumed that power to issue charge sheet and dismissal of employee lay with the authority much junior in rank to the appointing authority. So in the present case the order whereby charge sheet was issued and the termination order passed cannot be upheld as they were not passed by the competent authority.

8. The validity of the inquiry has also been challenged before me during the course of argument. In view of my finding above to the effect that order of termination has not been passed by the competent authority. I am not going into the above question. If I come to the conclusion that inquiry is bad, I will have to make fresh inquiry as requested by the management. If even after inquiry, I won't be able to sustain the order of termination as it has not been passed by the appointing authority. In case I came to the conclusion that inquiry is good, the worker can be prejudiced in subsequent proceedings. So the same point has not been decided.

9. For the reasons detailed above it is held that order of termination in the present case void having not been passed by the competent authority. Workman is entitled to re-instatement to his post with full back wages. Reference answered accordingly.

M.K. BANSAL, Presiding Officer

[No. L-12012/170/85-D. II(A)]

नई दिल्ली, 24 अप्रैल, 1987

का.भा. 1221.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, स्टेट बैंक ऑफ पटियाला के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चंडीगढ़ के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

New Delhi, the 24th April, 1987

S.O. 1221.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure in the industrial dispute between the employers in relation to the State Bank of Patiala and their workmen, which was received by the Central Government.

BEFORE SHRI M. K. BANSAL, PRESIDING OFFICER,
CENTRAL GOVT., INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, CHANDIGARH

Case No. I.D. 36/86

PARTIES :

Employers in relation to the management of State Bank of Patiala.

AND

Their workman : Narinder Kumar.

APPEARANCES :

For the Employer : Shri P.S. Arora.

For the workman : None.

INDUSTRY : Banking.

STATE : Punjab.

AWARD

Dated : 17th March, 1987

The dispute No. L-12012/257/85-D. II(A) dated 21st April 1986 about termination of services of workman w.e.f. 3-4-1985 124-GI/87—8.

was referred to this Court for decision under Section 10(1)(d) of the Industrial Disputes Act 1947 which is as under :

"Whether the action of the management of State Bank of Patiala in terminating the employment of Shri Nariender Kumar, Gunman w.e.f. 3-4-1985 is justified? If not, to what relief is the workman concerned entitled?"

2. The workman in his claim alleged that he joined service of the Bank on 23-5-1984 as Bank Guard on a pay of Rs. 450/- per month. That his services were terminated on 3-4-1985. So he claim reinstatement with back wages.

3. The management in reply alleged that due to disturbed conditions in Punjab Shri Surinder Nath Advisor of the Governor of Punjab in meeting held with Bank Officials advised the Bank that Punjab Police department will provide guards to the Bank on demand on honorarium of Rs. 15/- per day : that under the scheme guard were to be selected by the District Superintendents of Police for deployments in various banks : that on adhoc basis the workman was sent to the Bank : that he was never given appointment by Bank even on temporary basis : that he was deputed by police authorities of Dina Nagar : that bank sent back the employee to the police deptt. as his services were no longer required.

4. The case thereafter was posted for evidence of the workman to 15-12-1985. None appeared for the workman. Notices were got issued to the workman and his authorised representative for 17-2-1987 and 17-3-1987. But none appeared. Mulakh Raj authorised representative of the worker had his other cases fixed for 17-3-1987 in which he sought adjournment by making separate requests. But he made no request for adjournment in the present case. It appears that workman is not interested to prosecute the present case. Hence the award is returned against the workman for want of evidence as workman will be held to have failed to prove that he was employee of the Bank.

Chandigarh

Dated : 17-3-87.

M.K. BANSAL, Presiding Officer

[No. L-12012/257/85-D II(A)]

N.K. SRMA, Desk Officer

नई दिल्ली, 24 अप्रैल, 1987

का.भा. 1222.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मालकेरा काल्यारी, मैक्स टाटा आयरन एवं स्टील कम्पनी लिमिटेड के प्रबंधन से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, संख्या-2, धनबाद के पंचपर को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-4-87 को प्राप्त हुआ था।

New Delhi, the 24th April, 1987

S.O. 1222.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad as whom in the Annexure, in the industrial dispute between the employers in relation to the management of Malkera Colliery of M/s. Tata Iron and Steel Co. Ltd. and their workmen, which was received by the Central Government on the 14th April, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 164 of 1985

in the matter of industrial disputes under Section 10(1)(d) of the I. D. Act, 1947.

PARTIES :

Employers in relation to the management of Malkera Colliery of M/s. Tata Iron and Steel Co. Ltd. and their workmen.

APPEARANCES :

On behalf of the workmen : Shri J. P. Singh, Advocate.

On behalf of the employers : Shri S. S. Mukherjee,
Advocate

STATE : Bihar

INDUSTRY : Coal

Dhanbad, the 7th April, 1987

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-10012(159)/85-D.III(A), dated, the 6th December, 1985.

SCHEDULE

"Whether the action of the management of Malkera Colliery of M/s. Tata Iron & Steel Co. Limited, P.O. Maikera, Dist. Dhanbad in dismissing from service Shri Abhijit Sen Gupta w.e.f. 18-1-1985 is justified? If not, to what relief the workman is entitled?"

The case of the management is that the concerned workman Shri Abhijit Sen Gupta was appointed as a Cat. I Mazdoor with effect from 5-1-83 on the strength of the services of his father Shri B. N. Sengupta. The concerned workman was working as Cat. I Mazdoor from the date of his appointment till the date of his dismissal from service with effect from 18-1-85. On 8-8-84 the concerned workman was deputed by the Manager (Operation), Malkera Colliery to work in another section of the colliery with effect from 9-8-84. At that time the concerned workman was working as Cat. I Mazdoor in the survey section. The concerned workman did not abide by the instructions of the Manager given to him on 8-8-84 and started reporting sick with effect from 9-8-84. Although the concerned workman used to reside near the dispensary of the colliery where free medical treatment is provided to the Company's employees, the concerned workman neither approached the medical officer of the dispensary for his treatment nor sent any certificate from any outside doctor declaring him unfit for his duty due to sickness. The concerned workman had thus absented from work without permission. The management did not grant sick leave to the concerned workman due to the above reason and he was informed about his unauthorised absence which is an act of misconduct. The concerned workman was advised to report for duty immediately. However the concerned workman continued to remain absent on the ground of his sickness and on 27-8-84 he approached the management for grant of privilege leave without resuming his duties. According to the procedure of the company a workman cannot be granted privilege leave in continuation of his sick leave unless he resumes his duties after the has been declared fit by the doctor. The Manager had explained the position to the concerned workman but even then in spite of his joining duties the concerned workman continued to remain absent without permission and satisfactory cause with effect from 27-8-84. The management issued a chargesheet dated 12-9-84 to the concerned workman for his unauthorised absence with effect from 27-8-84. The concerned workman submitted his explanation to the chargesheet which was not found satisfactory by the management. A notice of departmental enquiry dated 19/21-9-84 was issued to the concerned workman to attend the enquiry on 27-9-84. The concerned workman on some plea or the other, continued to request for adjournment of the enquiry proceeding which was granted by the enquiry officer. The concerned workman was deliberately trying to avoid the enquiry on some plea or the other. Finally by letter dated 15/16-11-84 the concerned workman was advised by the management to appear in the departmental enquiry fixed on 20-11-84. The said letter was sent to the concerned workman by registered post. Another letter was also sent through Peon Book at the residence of the sister of the concerned workman where the concerned workman was residing. On each occasion when the Peon went to deliver the letter he was informed by the family members of the concerned workman that he was not present at home. As the concerned work-

man did not appear in the departmental enquiry deliberately avoiding the same, the enquiry officer held the enquiry ex-parte, against him. On consideration of the evidence produced before the enquiry officer, he found the charge of misconduct established against the concerned workman. Thereafter the concerned workman was dismissed from his services with effect from 18-1-85 by the management.

The case of the workmen is that the concerned workman was employed in Malkera Colliery of Tisco. with effect from 5-1-83. The concerned workman was chargesheeted under clause 19(16) of the certified Standing Orders of the company on the ground of misconduct for absents from duty for more than 10 days vide chargesheet dated 12-9-84. The concerned workman denied the charges in his explanation submitted to the management on 15-9-84. His case is that while performing his duties as Chairman, he fell ill and got himself treated by local physician of Katrasgarh and was under his treatment with effect from 9-8-84 to 25-8-84. After he was declared fit to resume his duty, he submitted a written application accompanied by medical certificate on 27-8-84 but he was neither allowed to resume his duties nor any reply was given to him nor any reason for not allowing him to resume his duties. The concerned workman personally presented an application for 17 days leave on 27th August, 1984 due to pressing necessity. The leave application was filled up in the leave application form. Due to ill will and malice his leave was arbitrarily refused giving flimsy ground. The leave of the concerned workman was not sanctioned in order to make out a case of absence from duty and for harming him in a calculated manner. On the scrutiny of the contents of explanation submitted by the concerned workman an impartial man could come to the conclusion that his reply was not satisfactory but the management arbitrarily declared his explanation as unsatisfactory and started departmental proceeding and issued notice for holding the enquiry against him. The concerned workman was dismissed from service without holding any proper enquiry in accordance with the principles of natural justice. When the dispute was pending for consideration of the Government of India, Ministry of Labour, New Delhi the concerned workman had drawn the attention of the management about the contents of his application dated 6th September, 1984 informing the management that the ALC(C), Dhanbad in exercise of the powers as a conciliating officer issued a notice by his letter dated 22nd August, 1984 directing the management to maintain status quo as the conciliation proceeding had commenced due to service of strike notice on the management. Thus the management acted illegally and arbitrarily in gross violation of section 33 of the I.D. Act. The dismissal of the concerned workman is an act of victimisation and an instance of unfair labour practice on the part of the management. His dismissal has been made with ulterior motive to deprive him of the fruit of the reference which had been made to this Tribunal for adjudication and was still pending. An industrial dispute was raised with the management and efforts were made for mutual settlement before the conciliation officer but the same failed. The concerned workman was actually doing the work of a Chairman but he was wrongly and falsely described as mere Category I Mazdoor which does not convey the real work being performed by the concerned workman. The concerned workman in his letter addressed to the management on 22nd March, 1985 challenging his unjustified and mala fide dismissal amount to victimisation for having raised an industrial dispute about the regularisation of his designation consistent with the actual work being done by him since his appointment in the colliery from 5th January, 1983. The said industrial dispute was raised by his union Janta Mazdoor Sangh, which was pending for adjudication before the Central Government Industrial Tribunal No. 2, Dhanbad, in Ref. No. 18/85 since 23rd February, 1985. The concerned workman reported sick from 9th August, 1984 to 25th August, 1984 when he was under the treatment of a local registered Medical Officer and thereafter the management paid the full wages for the month of August, 1984 including the days of his sickness from 9th August, 1984 to 25th August, 1984. Admittedly the concerned workman had reported for duty before the management on 27th August, 1984 and it was the management who had refused to resume his duties for no lawful reason. The management should not have issued a chargesheet to the concerned workman for absents from work from 27th August, 1984 when the management itself had refused to allow the concerned workman to resume his duties from

27th August, 1984. The enquiry into the charge sheet was not at all held and was totally perverse. It has been prayed on behalf of the concerned workman that the order of dismissal passed by the management be set aside and the management be directed to reinstate him in service with full back wages and consequential benefit.

The parties had raised a preliminary issue about the fact whether the enquiry into the charges held against the concerned workman was fair and proper and had requested that the said issue be decided first. Accordingly the preliminary issue regarding the fact whether the enquiry was fair and proper or not was taken up first as a preliminary issue and was decided by this Tribunal by the order dated 13th December, 1986. The Tribunal held on the said preliminary issue that the enquiry was not fair and proper and the management were given opportunity to adduce evidence afresh before the Tribunal to establish the charges against the concerned workman.

Now the only point for decision is whether the dismissal of the concerned workman with effect from 18th January, 1985 is justified or not.

The management examined one witness Shri P. N. Keshri, Manager of Malkera Colliery of Tisco, in order to establish the charge of misconduct against the concerned workman. The workman also examined himself in order to establish that the charge against him was false and that the same has not been established against him. The management has produced his documents which are marked Ext. M-1 to M-27. The workman's documents have been marked Ext. W-1 to W-18.

It will appear from the pleading of the parties that the concerned workman had absented from 9th August, 1984 to 26th August, 1984 at the initial stage and the allegation of the management is that the concerned workman had absented during the said period without permission and without making any application for leave. The said matter of absence of the concerned workman is not a matter of dispute before this Tribunal. As it appears that the management was some how satisfied that the genuineness of the absence of the concerned workman and therefore the management had paid the wages of the said period of absence to the concerned workman. Ext. M-1 is the charge sheet dated 12th September, 1984 issued to the concerned workman under clause 19(16) of the certified standing orders of the company. The charge sheet is as follows: "You have been absented from your duty without permission and satisfactory cause with effect from 27th August, 1984 till date". The management asked him to give his explanation within 72 hours from the date of receipt of the chargesheet. Ext. M-2 dated 15th September, 1984 is the explanation to the chargesheet filed by the concerned workman. It is stated in Ext. M-2 that the charge of misconduct has been wrongly framed by completely suppressing the reality of the facts and circumstances. The concerned workman has stated that while performing his duties as Chairman he fell ill and got himself treated by a local physician of Katrasgarh with effect from 9th August, 1984 to 25th August, 1984 and after he was declared fit for resumption of his duties he submitted a written application accompanied by medical certificate on 27th August, 1984 but he was neither allowed to resume nor any reason was given for not allowing him to resume his duties. It is further stated that in the meantime he applied for leave for 17 days due to pressing necessity in the leave application form on 27th August, 1984 but his leave was refused on flimsy ground and lame excuse. He has counter alleged in his explanation that his leave was refused intentionally for making out a case against him for absence from duty without permission. He also pointed out to the management that the ALC(C), Dhanbad by his letter dated 22nd August, 1984 as the Conciliation Officer issued a stay order directing the parties to the dispute to maintain statusquo which was not complied with by the management. The dismissal of the concerned workman has been made on the ground that he had absented for more than 10 days without permission and satisfactory cause with effect from 27th August, 1984. The question, therefore is whether there was any satisfactory cause for the absence of the concerned workman with effect from 27th August, 1984

for which the concerned workman had applied for leave for 17 days on account of pressing necessity and the same had been refused.

MW-2 is the only witness who has been examined by the management before this Tribunal to establish the charge against the concerned workman. MW-2 is working as Manager of Malkera Colliery of Tisco, since January, 1984. He has stated that the concerned workman was appointed in Category I and was performing the job of Category I and was working in Survey section since before his joining in the Malkera colliery. He has stated that on 8th August, 1984 the concerned workman was transferred to other section of the colliery as Cat. I Mazdoor but the concerned workman did not join and reported sick. He has further stated that the concerned workman came to him on 27th August, 1984 and wanted to join duty as Chairman and not as Category I Mazdoor. He has also stated that the concerned workman applied for privilege leave on 27th August, 1984 but the said leave was not allowed and the concerned workman was asked to join in his substantive post as Cat. I Mazdoor when his leave was to be considered. He has stated about the practice that a workman who goes on sick leave has to submit fitness certificate and resume duty and then only he can apply for leave from the subsequent date. He has stated that he had explained the said position to the concerned workman. In the end he has stated that the concerned workman did not appear to work as Cat. I Mazdoor after 27th August, 1984. Thus it appears from the evidence of MW-1 that the concerned workman was working in the Survey section in Malkera colliery and that on 8th August, 1984 the concerned workman was transferred to other section of the colliery as Cat. I Mazdoor. It will also appear from his evidence that the concerned workman came to join on 27th August, 1984 and wanted to join his duty as Chairman and not as a Cat. I Mazdoor. It will appear from the evidence of MW-2 in the cross-examination that the concerned workman was transferred from 14 Seam on 9th August, 1984 but no written order of transfer had been issued to the concerned workman and MW-2 had not given any order in writing to the Survey department for relieving the concerned workman and for joining in 14 Seam. He has further stated that the concerned workman had asked for joining slip as Chairman but he does not remember if he had issued any joining slip to the concerned workman on 27th August, 1984. MW-2 did not report to any superior authority that the concerned workman was not joining his duty in 14 Seam. MW-2 had stated that on 27th August, 1984 the concerned workman had given the application for privilege leave and he had given his reasons for rejecting the prayer of the concerned workman on the said application Ext. W-4. Ext. W-4 is the photo copy of the leave application of the concerned workman dated 27th August, 1984. It will further appear from Ext. W-4 that 17 days Earned leave was due to the concerned workman when the concerned workman had applied for leave for 17 days. As stated by MW-2 there is a note on Ext. W-4 to the following effect:

"Leave cannot be granted in continuation of sick leave. You have to resume duties for getting leave granted."

Thus MW-2 had given reason for refusing the leave applied for by the concerned workman on 27th August, 1984. In cross-examination MW-2 has stated that there is no written rule that in continuation of sick leave privilege leave cannot be allowed but that is a practice. He was further cross-examined on the point to which he said that he cannot say since when the said practice is continuing in the colliery. He also did not remember if such leave had been rejected to any other workman. It will thus appear from the evidence of MW-2 that although he speaks of the practice of not granting privilege in continuation of sick leave, there is no evidence to the effect that there was any such practice. Admittedly there is no written rule to that effect as such the refusal of the leave of the concerned workman on the ground that privilege leave cannot be granted in continuation of sick leave unless the concerned workman resumes his duties for getting the leave granted is without any foundation. It is apparent therefore that the ground for refusal of leave applied for by the concerned workman from 27th August, 1984 for 17 days is without any valid justification.

WW-1 is the concerned workman Shri Abhijit Sen Gupta. He has stated that he was working in Malkera Colliery in

Survey department as Chainman. He has stated that from 9th August, 1984 to 25th August, 1984 he was on sick leave and 26-8-84 was a Sunday. He has stated that after the expiry of his leave he applied for joining on 27th August, 1984 but no order was passed for his joining and as such he could not join. He has further stated that he had 17 days earned leave due at that time but the management did not grant him E.L. when he had applied for it and he was also not allowed to join duties by the management. He has stated that he did not receive any order regarding his transfer from survey section to any other department. It appears from the evidence of MW-2 that no written order had been passed for transferring of the concerned workman from the survey section to any other department and as such it appears quite probable that the concerned workman had received no order regarding his transfer from survey section to any other department. In his cross-examination WW-1 has stated that he was initially appointed as Mazdoor in Cat. I and he had not received any letter of appointment as Chainman but he insists that he was actually working as Chainman and therefore on 27th August, 1984 he wanted to join as Chainman. He has stated that he would not have joined as Cat. I Mazdoor as he was already working as a Chainman. He has also stated that when he had applied for privilege leave from 27th August, 1984 the Manager told him that no privilege leave will be allowed to him unless he joins his duties. It will appear from the case of the workman and the evidence of the concerned workman WW-1 that on 27th August, 1984 the concerned workman wanted to join as Chainman as he was working actually as Chainman although he was placed in Cat. I by the management. MW-2 also stated that the concerned workman was working in Survey Section since before his joining in Malkera Colliery and that on 27th August, 1984 the concerned workman wanted to join duty as Chainman and not as Cat. I Mazdoor. The fact whether the concerned workman was working as Chairman or not was a matter in dispute in Ref. No. 18/85. The schedule to the order of reference of Ref. No. 18/85 is as follows:—

"Whether the demand of Janta Mazdoor Sangh that Shri Abhijit Sengupta, Cat. I Mazdoor should be regularised as Chainman from 5th January, 1983 by the management of Malkera Colliery of Messrs. Tata Iron & Steel Company Limited, is justified? If so to what relief is this workman entitled?"

The matter was heard and an Award was made holding that the concerned workman who was designated as Cat. I Mazdoor was working as a Chainman in the survey department from 5th January, 1983 and had worked for a continuous period of 451 days as a Chainman and therefore he was asked to be regularised as Chairman in Cat. IV from 5th January, 1983 by the management of Malkera Colliery of M/s. Tisco. Thus it appears that the concerned workman was only insisting to join on 27th August, 1984 on the post on which he was working but it appears that the management was insisting that he should join as Cat. I Mazdoor and that was actually the point of difference between the parties due to which the concerned workman on being refused to join as Chainman could not join on 27th August, 1984. In view of the fact that the concerned workman has been held to have been working as a Chainman since 5th January, 1983, the management was not justified in not allowing him to join his duties as Chainman and insisting that he should join as Cat. I Mazdoor. In my opinion the concerned workman was therefore justified in not joining as he was not allowed to join as Chainman in which post he was working in the survey department. The ground for the refusal of the leave applied by the concerned workman on 27th August, 1984 also does not appear to be justified as the management has completely failed to show any rule or practice whereby leave cannot be granted in continuation of sick leave. There is no case that the concerned workman did not come to join his duties on 27th August, 1984 and had not applied for leave. There may be some technical legal quibblings but on consideration of the entire facts and circumstances it is clear that the concerned workman had applied for leave with effect from 27th August, 1984 for 17 days and that the management had refused the same without any reasonable ground and that the concerned workman was not allowed to join his duties which he was performing as a Chainman and as such I feel that the concerned workman has been able to show satisfactory reason

as to why he could not join on 27th August, 1984 and that he had in fact applied for leave which was illegally refused by the management.

In the result, I hold that the action of the management of Malkera Colliery of M/s. Tata Iron & Steel Co. Limited, P.O. Malkera, District Dhanbad in dismissing from service Shri Abhijit Sen Gupta w.e.f. 18th January, 1985 is not justified and that the concerned workman deserves to be reinstated in his job with effect from 18th January, 1985 with full back wages and all other consequential benefits. The management is directed to reinstate the concerned workman with effect from 18th January, 1985 within one month from the date of publication of the Award and to pay the arrears of back wages as indicated above.

This is my Award.

I. N. SINHA, Presiding Officer
[No. L-20012/159/85-D.III(A)]

नई दिल्ली, 27 अप्रैल, 1987

का.आ. 1223:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, तैतुलमारी कोलिरी मैसर्स भारत कोकिंग कोल लिमिटेड डक्कन तैतुलमारी, जिला धनबाद के प्रमुखत्व के सम्बद्ध निगमों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम, संख्या-2, धनबाद के पंचाद को प्रकाशित करती है, जो केन्द्रीय सरकार को 16-4-87 को प्राप्त हुआ था।

New Delhi, the 27th April, 1987

S.O. 1223.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Tetulmari Colliery of M/s. Bharat Coking Coal Limited, P.O. Tetulmari, District Dhanbad and their workmen, which was received by the Central Government on the 16th April, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 12 of 1982

In the matter of industrial dispute under Section 10(1)(d) of the I. D. Act, 1947.

PARTIES :

Employers in relation to the management of Tetulmari Colliery of Messrs. Bharat Coking Coal Limited, and their workmen.

APPEARANCES :

On behalf of the workmen : Shri S. Bose, Secretary, R.C.M.S. Dhanbad.

On behalf of the employers : Shri B. Joshi, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dated, the 10th April, 1987

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(341)/81-D. III(A), dated the 11th February, 1982.

SCHEDULE

"Whether the action of the management of Tetulmari Colliery of Messrs. Bharat Coking Coal Limited, Post Office Tetulmari District Dhanbad in not

paying wages as Night Guard to Shri Ram Dular Yadav from March, 1974 is justified? If not, to what relief is the workman concerned entitled?"

The case of the workmen is that the concerned workman Shri Ram Dular Yadav was a permanent employee of Tetulmari Colliery since the time of the erstwhile management. Tetulmari Colliery was taken over by the Central Govt. with effect from 31-1-73. Subsequently it was nationalised with effect from 1-5-73 when the ownership management and control vested in the present management M/s. B. C. C. Ltd. The management of B.C.C.L. engaged the concerned workman in the capacity of a Night Guard with effect from 15-4-73 when BCCL was holding the charge as Custodian on behalf of the Central Government. Although the concerned workman was working as a Night Guard he was being paid in the daily rated Cat. I basic wages instead of monthly rated Grade-G basic wages. The concerned workman was therefore deprived from his due wages and other benefits of monthly rated employee.

The workmen and his trade union represented the matter before the Colliery management but inspite of assurance he was not given Grade-G. Thereafter an industrial dispute was raised by the workmen before the ALC(C), Dhanbad. The representative of the management attending the discussion being convinced about the genuineness of the demand of the workmen agreed to rectify the defective fixation of pay/wages of the concerned workman and thereafter the union withdrew the case from the file of the ALC(C), Dhanbad. Immediately thereafter the management issued an office order dated 15/21-12-78 to regularise the concerned workman in the grade of Night Guard in monthly rated Grade-G with effect from 1-9-79 instead of 15-4-74. The workmen again raised the issue before the management but the management turned a deaf ear and thereafter the union vide their letter dated 28-4-81 again raised an industrial dispute before the ALC(C), Dhanbad. The ALC(C) took up the matter in conciliation which ended in failure and thereafter the present reference was made for adjudication to this Tribunal. It is prayed that the concerned workman be paid wages in monthly rated Grade-G as Night Guard.

The case of the management is that the concerned workman worked on some occasions as Night Guard during leave and sick vacancies. He was regularised as Night Guard vide Office order dated 15/21-12-78. The concerned workman did not work as Night Guard from March, 1974 under BCCL. The concerned workman was employed since 1973 under the management of erstwhile owner of Tetulmari colliery and was working there in the capacity of O.B.R. The concerned workman had made a representation before the management for light duty on surface as he was not keeping good health and as such on his request the management allowed him to work on surface as General Mazdoor in Cat. I and he was being paid wages as per the scale of Cat. I with effect from 29-7-73 and was placed in Technical Grade-B. He had not discharged the duties of higher responsibilities. M/s. B.C.C.L. had formulated the cadre scheme for promotion of the clerical staff of the Technical staff. The concerned workman was never appointed on any permanent post as Night Guard till he was regularised with effect from 1-9-79. As the concerned workman did not work as Night Guard from 15-4-74 against any permanent vacancy, the question of regularisation with effect from 15-4-74 did not arise. On the above plea it was submitted that the concerned workman was not entitled to any relief.

During the course of hearing of the case it was submitted by Shri S. Bose on behalf of the workman that he was does not propose to claim any arrears of wages for the concerned workman with effect from 15-4-74 and that now he only wants that the concerned workman may be regularised with effect from 15-4-74 so that he may get his seniority over new comers.

The point for consideration therefore is whether the concerned workman is entitled to be regularised as a Night Guard from 15-4-74 in Grade-G.

None of the parties have either examined any witness or have exhibited any documents.

Admittedly the concerned workman was confirmed as Night Guard vide officer order dated 15/21-12-78 with effect from 1-9-79 and he was placed in monthly Grade-G. The workmen, however, claim that the concerned workman should be regularised as Night Guard with effect from 15-4-74 as he was working as a Night Guard with effect from 15-4-73 and as such he should have been regularised from 15-4-74. It is admitted by the management in para-2 of his Written statement that he was regularised as a Night Guard vide Office order dated 15/21-12-78 and as such he as regularised with effect from 1-1-79. It is further stated in para-6 of the rejoinder of the management to the W.S. of the workmen that the contents of para-6 of the W.S. of the workmen are more or less corrected. In para-6 of the W.S. of the workmen it is stated that the concerned workman was regularised as Night Guard with effect from 1-9-79 instead of 15-4-74. Thus it appears that the claim of the workmen that the concerned workman should have been regularised as Night Guard from 15-4-74 appears to be correct. It is further stated in para-6 of the rejoinder of the management that the concerned workman had worked on some occasions as Night Guard during leave and sick vacancy and that he was not appointed on any permanent post as a Night Guard till he was regularised with effect from 1-9-79. The workmen claim that the concerned workman was working as a Night Guard since 15-4-73 and the management has not tried to bring any document to show that the claim of the workmen was not correct. All the necessary registers are maintained by the management which could show the real position. The fact that the management has not produced any document shows that the concerned workman was in fact working as a Night Guard as being claimed by him.

Shri B. Joshi, Advocate appearing on behalf of the management submitted that as no records have been produced by the management, the concerned workman may be given his seniority as being claimed by him from 15-4-74 and be regularised with effect from 15-4-74 without payment of any arrear to him. Shri Bose appearing for the workmen agreed to the suggestion made by the management and submitted that the concerned workman will be satisfied if his seniority is given with effect from 15-4-74 in Grade-G without payment of any difference of wages/salary so that the concerned workman may get his seniority over new comers.

As Agreed between the parties during the course of hearing of the case, it is held that the concerned workman is entitled to be regularised as Night Guard in Grade-G with effect from 15-4-74. The management is directed to regularise the concerned workman as a Night Guard in Grade-G with effect from 15-4-74 but the concerned workman will not be entitled to any difference of wages from 15-4-74 to 31-12-78.

Award is passed accordingly.

Dt. 10-4-87

I. N. SHARMA, Presiding Officer
[No. L-20012(341)/81-D.III(A)]

का.प्र. 1224:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, बरौरा क्षेत्र नं. 1, मेसर्स, भारत कोकिंग कोल लिमिटेड के प्रबन्धन के सम्बन्ध में निम्नलिखित और उनके कर्मचारियों के बीच, अनुबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, संख्या-1, धनबाद के पंचाट को प्रस्तुत करती है, जो केन्द्रीय सरकार को 15-4-87 को प्राप्त हुआ था।

S.O. 1224.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Barora Area No. I of M/s. Bharat Coking Coal Limited, and their workmen, which was received by the Central Government on the 15th April, 1987.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 DHANBAD.

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947.

Reference No. 13 of 1984

PARTIES

Employers in relation to the management of Barora Area No. 1 of Messrs Bharat Coking Coal Limited.

AND

Their Workmen.

PRESENT

Shri S.K. Mitra, Presiding Officer.

APPEARANCES :

For the Employers : Shri B. Joshi, Advocate.

For the Workmen : None.

STATE : Bihar

INDUSTRY : Coal

Dhanad, dated, the 8th April, 1987

AWARD

The present reference arises out of Order No. L-20012(288)/83-D. III(A) dated 31st January/2nd February, 1984 passed by the Central Government in respect of an industrial dispute between the parties mentioned above. The subject matter of the dispute has been specified in the schedule to the said order and the said schedule runs as follows :—

"Whether the demand of BCC Staff Co-ordination that Shri P.N. Tewary, Clerk of Barora Area No. I of Messrs Bharat Coking Coal Limited, should be promoted to Special Grade with effect from 1-1-1977 is justified? If so, to what relief is the said workman entitled?"

2. The dispute has been settled out of Court. A memorandum of settlement has been filed in Court. I have gone through the terms of settlement and I find them quite fair and reasonable. There is no reason why an award should not be made on the terms and conditions laid down in the Memorandum of Settlement. I accept it and make an award accordingly. The Memorandum of Settlement shall form part of the award.

3. Let a copy of this award be sent to the Ministry of Labour as required under section 15 of the Industrial Disputes Act, 1947.

S.K. MITRA, Presiding Officer.

[No. L-20012/288/83-D. III(A)]

P.V. SREEDHARAN, Desk Officer

FORM-'H'
(See Rule 5B)

MEMORANDUM OF SETTLEMENT ARRIVED AT UNDER INDUSTRIAL DISPUTES ACT, 1947 BETWEEN THE MANAGEMENT OF BARORA AREA OF M/S., B.C.C.L. AND THEIR WORKMEN.

MANAGEMENT REPRESENTATIVE

WORKMEN

1. Sri V.R. Joshi,
Personnel Manager,
Barora Area.

2. Sri U.P. Singh,
Sr. Personnel Officer,
Barora Area.

1. Sri P. N. Tiwari.

SHORT RECITAL OF THE CASE

Sri P.N. Tiwari had raised an Industrial dispute vide file No. 1/266/83 E-4 dt. 7/13-5-83 for giving justice to promote

him in Clerical special Grade as three juniors namely S/Shri J.P. Thakur; M.K. Singh and M.L. Ram had already been regularised in special Grade since 1980, and their cases were not considered, although the case of Sri Tiwari had been considered by the D.P.C. on 31-5-78. The name was kept in panel list for promotion but the office order was not issued as it referred to the GM.(P), vide letter No. GM-1/PD-5147/78. dt. 30-6-78, and nothing was done into the matter. The workmen concerned raised an industrial dispute as mentioned above which was ended in failure and the matter was thus referred for adjudication to the Central Government Industrial Tribunal No. 1 at Dhanbad.

In view of the circular of Director (Personnel) vide No. DCP/PS/86/2129 dt 1/3rd Sept., '86 the case under reference was reviewed as it also comes under the purview of the above noted circular. Accordingly matter was discussed length with the Workmen concerned and it was settled amicably on the following terms and conditions.

Terms and Conditions

1. That both the parties agreed that Sri P. N. Tiwari shall be promoted in clerical special grade as per cadre scheme circulated by the J.B.C.C.I and designation shall be Accounts Asstt. The date of Promotion shall be effective from 1-1-1980.
2. That both the parties agreed that although promotion shall be effective from 1-1-1980 as mentioned in Para, I above but his basic pay shall be fixed in higher grade i.e. clerical special grade as on 1-1-1983 and all consequential benefit shall be calculated and paid from 1-1-1983.
3. That the period from 1-1-1980 to 31-12-82 shall be considered only for national seniority for the purpose of promotion.
4. That both the parties agreed to file the copy of this settlement before the Industrial Tribunal No. 1 at Dhanbad in order to issue the award accordingly.
5. That both the parties agreed that after this settlement no dispute subsists in connection with the case relating to Ref: No. 13/84.
6. That Management shall send the copy of this settlement to the respective authority under the law for its registration.

MANAGEMENT REPRESENTATIVE

WORKMEN SIGNATURE

1. (V.R. Joshi)
Personnel Manager,
Barora Area.

2. (U.P. Singh)
Sr. Personnel Officer,
Barora Area.

1. (P. N. Tiwari)
Accounts Section,
Barora Area.

WITNESS :

1.
2.
c.c. to :—

1. The General Manager, Barora Area.
2. The General Manager (Pers.) Koyla Bhavan.
(This has reference to the circular issued by the Hqrs and as per approval of Hqrs.)
3. Shri UK Jha, Dy. PM(NEE), Koyla Bhavan, Dhanbad.
(For inclusion of his name in the seniority list)
4. The Area Manager (F), Barora Area.
5. The Sr. Adminis. Officer-do-

6. Shri U.P. Singh, Sr. P.O. Barora Area
(He is requested to take necessary steps before the Tribunal for filing settlement in consideration with Shri B Joshi, Advocate)
7. Shri K. P. Tewani, Ders. (for record)
8. The Regional Labour (C) (Regd. A/D)
Dhanbad
9. The Asstt. Labour Commissioner(c), Dhanbad
(With a request to register the case as per I/D Act.)
10. Master file.

Part of the Award

Sd/-
Industrial Tribunal.
Dhanbad

नई दिल्ली, 28 अप्रैल, 1987

क्र.स्रा. 1325:—राजभाषा (मंच के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण

में, केन्द्रीय सरकार श्रम मंत्रालय के स्वायत्त निकाय राष्ट्रीय सुरक्षा परिषद, बम्बई को ऐसा कार्यालय अधिगृहीत करती है जिसमें 80 प्रतिशत कर्मचारियों ने हिन्दी का कार्यवाहक ज्ञान प्राप्त कर लिया है।

[ई - 11011/1/87 - कारखाना]

श्री. टी. पाण्डेय, उप सचिव

New Delhi, the 28th April, 1987

S.O. 1225.—In pursuance of sub-rule (4) of rule 10 of the Official Language (use for official purpose of the Union) Rules, 1976, the Central Government hereby notifies National Safety Council, Bombay an autonomous body of the Ministry of Labour, the 80 per cent staff whereof have acquired a working knowledge of Hindi.

[F. No. E-11011/1/87-Fac.]

R. T. PANDEY, Dy. Secy.

